Anti-Slavery Standard Vol. 11-12

National Anti-Slavery Standard.

SYDNEY HOWARD GAY, EDITOR. Without Concealment—Without Compromise. EDMUND QUINCY, JAMES RUSSELL LOWELL, COR. EDITORS.

VOL. XII. NO. 30. NEW-YORK, THURSDAY, DECEMBER 18, 1851. WHOLE NO. 602.

Published weekly, on Thursday, by the AMERICAN ANTI-SLAVERY SOCIETY, at their office, No. 142 NASSAU STREET, NEW-YORK. Terms, TWO DOLLARS per annum. Printed for the American Anti-Slavery Society, by Norris & Johnston, printers.

Selections.

THE CHRISTIANA TREASON TRIALS.

UNITED STATES CIRCUIT COURT—JUDGES GRIER AND KANE.

EIGHTH DAY—WEDNESDAY, DEC. 3.

THE DEFENCE CONTINUED.

UNITED STATES CIRCUIT COURT—Judges Grier and Kane—The trial of Castner Hanway was resumed this morning. Long before the hour for opening the Court, the passage way was crowded with persons anxious to hear the defence. The number of ladies requesting admittance increases with every day's proceedings, and much trouble is experienced by the officers in finding seats for them. Many fail to procure seats and retire. They occupy exclusively one portion of the court room, and sprinkle, with their presence, that portion appropriated to the sterner sex.

At the opening of the Court, R. M. Lee stated that as his connexion with this cause had been misrepresented by one of the gentlemen for the defence, yesterday, and considering it due to the official position he occupied in this city, he wished to define his position to the court and the public. If I ever were disposed to recrimination, I should not be guilty of it in this place. Humble as is the position I occupy in this case, I cannot permit such a misrepresentation to pass without contradiction. I was the original counsel of the murdered Edward Gorsuch, Esq., when he first arrived in this city, and had he been able to have secured his fugitive servants, I should have had the honour to have appeared before one of your Honours, or a Commissioner. I was solicited repeatedly by the friends and neighbours of Edw. Gorsuch, Esq., and hesitated; but subsequently yielded to their solicitations, and was retained by them. Finding that the arrangements for the defence had been made by the other counsel in the case, I was willing that my humble abilities should be directed to any part of that defence; and hence my efforts were confined to the examination of the jurors called. I am not a volunteer, as stated yesterday, by counsel. I shall therefore confine myself simply to a denial, deeming that sufficient, for the present, *in this place*.

Mr. Cuyler said—As Mr. Lee had denied that he was a volunteer in this case, he (Mr. C.) would most cheerfully withdraw the expression to which Mr. Lee objected.

[Mr. Lee made no reply.]

Thompson Loughead, sworn—I live in Strasburg township; on the morning of this affair at Parker's, I heard of the rumpus; I came around the road by the wood; within 15 or 20 yards of the road I heard guns, one after another: I passed over into the road, about 150 yards; there I met Elijah Lewis; he said to me, "you had better go back," a man came down from the woods and hollowed out "hold on—stop;" I turned around to come back; I went over the corn field, Lewis went by the road; I met Joseph Scarlett by the mill; the Marshal came up and asked the way to Penningtonville; he said that two men were wounded: one of whom was in the woods; he asked something about a Doctor; he said he thought one of them was fatally wounded; I said why did you stay so long when the blacks were gathering; he said, "that's what I told them, but they would not come off:" he said that he was tired; that he came from Philadelphia the night before; I looked down to his hands and saw they were drabbled: Squire Pownell came up; Henry Burke was there.

Cross-examined by Mr. Cooper—What time was it then?

Answer—About 6 o'clock.

Question by Mr. Brent—He said he came up in the night line; that is the way I understood him; when I first saw him he went up on the edge of the woods, and took hold of a man by the arm and led him down by the tree: Lewis was about 300 feet from that spot; they were the only white men I saw: there was a clover field between me; the only one I met on horseback was Scarlett.

Samuel H. Loughlin, affirmed—I went up to Christiana, on Friday; the next day after, I saw Kline there; he told me that he went on the ground before day light; that they saw a negro going up the lane; that he went after him, but the negro ran into the house: he said the blacks by that time had gathered in the lane; that "he saw there was going to be a difficulty, and he told his men to come away, but they would not do it; if they had," he said, "they would not have got hurt;" he said that "he ran into the woods; that he went after a negro at Parker's and bursted or broke the door in," I don't know which: I asked him if he went in alone; he said that "old Mr. Gorsuch went along with him."

Question by Mr. Brent—He said that he went into the woods when he found the negroes were gathering in the lane for a fight, and that a man came running down by his way after the fight, who was crazy as a bed bug. He did not tell me that he carried a man into the woods; he said that Mr. Hanway came down on horseback, and told the negroes to shoot; that he handed the warrant to Lewis; that he asked them (Hanway and Lewis) to assist; he did not tell what they said; I live about two miles from Christiana; I was there when the coroner was there; I saw Elijah Lewis on the ground when the coroner was there; he did not say that he had seen it. Mr. Krider gave me the first information about the fight; I was there between 8 and 9 o'clock. The reason I questioned Kline was, because I wanted to know the truth.

Isaac Rodgers, affirmed—On the morning [I live about 300 yards from Parker's, up the long lane] I heard a noise over at Parker's house, about sunrise on Thursday morning; I ran down as far as the creek; I stood there a few minutes, and heard a great firing of guns; I started to go back, when I saw Castner riding down along side of Dr. Pearce; a coloured man was following them with a gun; I cried out not to shoot; Hanway turned around several times and said, "don't shoot, boys;" they were between the creek and my house.

Cross-examined by Mr. Cooper.

Dr. Pearce was close by Hanway; I can't give the exact position: Dr. Pearce went to my house; I don't know what then; Joshua Gorsuch went to my house; I saw him in the lane; I thought he was wounded; I did not invite him to my house; I did not attempt to take any care of him; I had to look out for my own life; I did not see any body strike Joshua Gorsuch with a gun; I did not state before that I saw him struck.

Question by Mr. Brent—There was more than one negro in the lane; some were behind him and some before him; they were passing and repassing; they had not the guns pointed; it is quite likely Hanway would have been in danger from his position if they had fired; I don't remember hearing a man say to the negro "why don't you shoot," and the negro replying "I have got no powder nor shot;" my memory was confused that time; there were about 100 blacks there; I saw Joshua Gorsuch fall to his knees once; nobody was near him then; the negroes were passing; I don't remember whether I told them not to touch him; I did not see his head bleeding.

Joseph C. Dickerson, affirmed—On the day after the murder of Mr. Gorsuch, I and Dr. Pearce took the cars for Lancaster; he sat on the same seat beside me; he said that it was the rashest piece of business he ever knew; the old man had behaved imprudently and that Kline did not act right; he said that he called several times for Kline; that the old man came out of the lane with a changed countenance; he was calm and resolute.

Mr. Cooper objected to the evidence on the ground that it did not contradict the testimony of Dr. Pearce.

Mr. Stevens said that it was brought out in the examination of Dr. Pearce, that he said that he did not recollect any conversation in the cars with the witness; and that he said that he did not recollect telling Squire Dickerson that Hanway saved his life.

Judge Grier—The evidence would do no harm either way. It was admitted.

Witness—The old gentleman said that he "would have the slaves or die in the attempt;" that he, the old man, wheeled round, and fell from a wound; that Dickinson Gorsuch fell at the same time. He also said that he came up to Hanway, who turned to the blacks and said, "for God's sake, don't shoot," and that "he believed that Hanway saved his life." He said Kline left before the firing: he blamed Kline very much.

Cross-examined by Mr. Brent—He blamed the old man Gorsuch, for both his own death and that of his son's; he said that he persuaded the old man to leave; that he was rash; I don't recollect of his saying that the blacks were too numerous for them; he showed me his wound; he said that he kept along side of Mr. Hanway; he did not state his object in doing so; I don't know whether he said the negroes obeyed him.

Dr. Patterson, affirmed—On the evening of the same day of the riot I saw Dr. Pearce at the house of Levi Pownell, where he was attending his cousin, who was wounded. He said that while he was retreating he met Hanway, who, he believed, saved his life from the infuriated blacks who were pursuing him. His language to me was conclusive. He spoke to me of Hanway saving his life. He said that he believed he owed his life to Hanway, and that, before they got to the ground, Kline told him of some of his former feats of valour, which led him to believe he was exceedingly great; but when the danger presented itself, his courage forsook him.

Cross-examined by Mr. Brent—Did you hold a post mortem examination on the body of Edward Gorsuch.

Question was objected to by Mr. Stevens—objection sustained by the Court.

James G. Henderson affirmed—I heard Dr. Pearce relate to others concerning Kline at the fight, on the morning of the fight. He said that the Marshal had acted cowardly; that he had left the ground, which encouraged the blacks to fire. No cross-examination.

William D. Kelley, affirmed—I am acquainted with Henry H. Kline, of this city.

Question by Mr. Stevens—I believe I know his general character; I have heard his character for truth and veracity much spoken of; it is very bad.

Francis Jobson, affirmed—I know Henry H. Kline; I have known him about 12 years.

Mr. Cooper asked if the witness might be present, in order to give the counsel information, and to see those who might be called to testify in relation to his character.

Witness—I know his general character for truth and veracity; I have lived in the neighbourhood with him for 10 years; his general character is notoriously bad; I have heard Jacob Walker speak of his character; it has been within a year; I likewise have heard Mr. Roberts, constable of Upper Delaware Ward, and Jacob Dohnert; they spoke in reference to his general bad character; I thought that Kline had conscience enough left not to take an oath; I have always shunned him; I don't think he would know me; I have heard George Dyer speak of his general bad character.

J. W. Ashmead objected to this course of answers, as they were not confined to the matter now before the Court; as to his character for truth and veracity.

Mr. Cooper also objected on the same ground.

Witness—I reside in the Northern Liberties; I am collector of water rents.

W. D. Frank, sworn—I am acquainted with Mr. Kline; I have known him for 14 years; I know his character for truth and veracity from hearsay; it is bad; I would not believe him on his oath.

Cross-examined—I live No. 14 Orange street.

David Evans, affirmed—I know Henry H. Kline; have for some years; I know his general character for truth and veracity; it is bad.

Cross-examined—I live in Buttonwood street; come without a subpœna; I informed the Attorney what I could swear to, and I volunteered to come; on the 18th of September I had some business at Recorder Lee's office, Kline came in and I asked him if he was the man who was at Christiana; he said he was; I said that I had heard that Lewis had saved his life; he said that he got along side of the d—d Abolitionist Quaker and dodged about, and so saved his own life; for, said he, they could not shoot me without shooting the d—d Quaker Abolitionist; I never read Kline's evidence before that conversation.

George Simpson, affirmed—I know H. H. Kline; have for 15 years or more; I have heard a great deal of his character for truth and veracity; from that general character I would not believe him on oath.

Cross-examined—I have said that "they could not get a decent man to be a hog-catcher, a dog-catcher, or a negro-catcher; and that I would not believe such an one on oath;" I reside at No. 545 North Front street; I was subpœnaed by Jacob Albright.

Isaiah G. Stratton, sworn—I know H. H. Kline's character for truth and veracity; it is bad.

No cross-examination.

William Shourds, sworn—I am acquainted with the general character of H. H. Kline for truth and veracity; I have known him for 11 years; his character in that respect is bad.

Cross-examined—I was formerly a constable; I now hold an office under the general government.

Jacob Walker, sworn—I know the general character of Henry H. Kline for truth and veracity; it is very bad; I was subpœnaed by Jacob Albright.

John Hinckle, sworn—I know the general character of Henry H. Kline; for truth and veracity, it is bad.

Cross-examined—I never heard anything good of him; in a case where he is interested, I would not believe him upon his oath; if he was not interested he might probably speak the truth.

Norman Ackley, sworn—I know H. H. Kline for 12 years; his character for truth and veracity is bad; I have heard Mr. Walker speak of his character 8 years ago.

Cross-examined—I am one of the Marshal's officers.

Anthony Hoover, sworn—I have known Kline for 12 or 15 years; his character for truth and veracity, as far as I have heard, has been bad.

Aaron B. Fithian, sworn—I have known H. H. Kline for 12 or 15 years; his general character for truth and veracity is pronounced very bad.

George K. Wythes, sworn—I know the general character of Kenry K. Kline; for truth and veracity, it is bad.

John Mackey, sworn—I have known H. H. Kline for 8 or 10 years and perhaps longer; his general character for truth and veracity, as far as I have heard, is bad.

Cross-examined—I have heard Charles Muscher speak of his character, also Mr. Walker, within a month; his character two years ago was bad.

Andrew Redheiffer, sworn—I have known Henry H. Kline's character for 20 years; his character for the last 10 years particularly has been bad.

Cross-examined—I have known him in and about the Northern Liberties; I did not ask anybody to point him out to me; I did not ask the man to do it who subpœnaed me; I have known him and his brother a long while.

John McEwing, sworn—I know the general character of Henry H. Kline for some years; it is bad.

Cross-examined—I never had any difficulty with him.

Jacob Albright, sworn—I have the subpœna on the witnesses therein named, with the exception of two or three. (The subpœna was given to the witness.)

Mr. Stevens asked that an attachment be issued for witnesses absent, which was granted by the Court.

John McKeoun, sworn—I have known Kline for years; his character for truth and veracity is bad; never had any difficulty with him.

John Carr affirmed—I know George Washington Harvey Scott; he lived at my house, and was in my employ at the time of the fight.

Mr. Stevens asked the witness where Scott was in the morning, at the time of the fight?

Mr. Cooper objected to the question; I wish to know what the gentleman's object is?

Mr. Stevens replied, that he desired to contradict Kline who stated that Scott was on the ground at the time of the fight; he wished to show that he was in the presence of the witness at the time the fight was raging.

Mr. Brent said that it was collateral matter.

Judge Grier said it was not collateral matter.

The testimony was admitted.

Witness—I knew him to go up stairs into the garret on the night of the 10th; I buttoned the door after he went in; I knew nothing of him until the next morning, quarter of an hour before sun up, when I went to the door and called him; he answered, and came down, and made a fire; he then went and milked a cow, and then came back to breakfast; after breakfast we went to the shop, and he blowed and struck for me all that day; I am a blacksmith; he came to me as an apprentice; the reason I buttoned the door was because my grand-daughters were sleeping in the room overhead; this is about 3 miles from Parker's; my son-in-law was at my house on that night.

Cross-examined—There was a window in the room where he was, which is about eight or nine feet from the shed; the top of that shed is about three feet from the ground; a man of six feet, by hanging out of the window, could not touch the roof of the shed; he would be very near it; I don't know whether he was in the room all night; it is possible he might have got out of the room, and I not have known it.

Judge Grier—How do you identify that morning to have been the morning of the fight?

Witness—Because in the evening he and another man went to Penningtonville to make a purchase, and they got some goods; I recollect the morning to have been the same, because I bought a lot of veal that day; I was told, after I bought the veal, of the fight.

Cross-examined by Mr. Brent—On the Thursday following my attention was drawn to it; a man came and told me of the riot, and Harvey Scott said, I am a nigger out of that scrape; he also asked where Parker's house was; he asked me that several times; a man named Kilmer told us of the riot; I don't know that I said at Lancaster that my attention was first called to it on Saturday; that must be a mistake; I undone the door about an hour before sun up; I don't know why I recollect the time I let him out of the room that morning; I had done so before.

Cross-examined—One of my grand-daughters called me to button his door; she had buttoned it herself before; the reason she did not go and button it herself, was because she was stripped, and did not like to get out of bed; it was a two story house, and the garret overhead.

John S. Cochran sworn—I am the son-in-law of Mr. Carr; on the night of the 10th of Sept. last, I was at Carr's house; Scott and I went to Penningtonville that evening; the last I saw of Harvey Scott was going up into his bed room in the garret; in the morning when I got up, I saw him going off the porch; it was then before sun up; I saw him at his breakfast; I went to work then, and I did not see him until dinner time; that was on the 11th; the reason I know we went to Penningtonville on the 10th, was because the next day, the 11th, the riot took place; I went to the store at Penningtonville to get some goods; I have the bill here (the bill was shown). It is dated the 10th of September.

Cross-examined by Mr. Cooper—I got the bill on the evening of the 10th; I am not able to tell who made out the bill; but it was one of the store-keepers; I showed it at Lancaster.

William McLymer sworn—About the time the riot took place, I suppose I was at home; I took a load of bark that morning near Cochranville; I stopped at Carr's shop, saw George W. H. Scott was at work; the reason I stopped at Carr's was, because Scott had struck a man some six months before, with a hammer, and I wanted to tell him the man was going to prosecute him; it was about 7 o'clock in the morning when I was told of the riot; I went over to Carr's and told Carr and George Scott of the fight; Scott said then, "I am one nig out of that scrape;" Carr said, "yes, Harvey, I can clear you of that."

Cross-examined—The first time I saw Scott was in March; he did not know anything about Parker's: he did not ask where Parker's house was.

Thomas Lister, affirmed—I know the general character of Henry Kline for truth and veracity; it is bad.

Cross-examined—I never had any dispute with Kline.

William Hopkins, sworn—I know Henry H. Kline; I have heard his character for truth and veracity; it is bad.

Cross-examined—I was at Christiana; I had no difficulty with Kline there.

James Smith, sworn—I know the general character of Henry H. Kline for truth and veracity, from report; it is bad.

William Nutt, affirmed—I have known Kline for 12 or 13 years; his general character for truth and veracity is bad.

Lewis Cooper, affirmed—I went to the battle ground on the morning of the affray; the first whom I saw was Joseph Scarlett, standing along side of Dickinson Gorsuch, who was lying on the ground, wounded; he was attending to him; keeping him from the sun, and giving him water; I asked him where the wounded men were; he said here is one; there is one dead, his father; I wanted him to put Dickinson into my dearborn; Scarlett assited me to put him in, and sat along side of him until we came to a house; there we attended to him every way; I asked Dickinson if any white men were engaged in it, and he said none; when I came back again to the ground, I saw the dead body of Edward Gorsuch, and spoke to some of the bystanders; and said that it was time the body should be removed; my dearborn was again brought forth to take the corpse to Christiana; when I arrived there I saw Kline; he said that two men were yet missing, and that if the men had have minded him this would not have happened; he said that he called to them to leave several times, and they would not obey, so he left.

After the inquest I suggested that a respectable body of citizens should accompany the corpse to Maryland; I went to see Dickinson Gorsuch, so as to report how he was; when I arrived in Christiana I saw Dr. Pearce there, and he spoke of the fight, he said "that Kline was a monstrous poor thing—that he had no confidence in him—that at the first intimation of danger, he fled." He also said, "that it was the most imprudent act he ever saw. That after his uncle had come some ten yards towards him, his countenance changed, and he advanced towards the negroes, and said, "my property is here, and I will have it, or perish in the attempt." Then a bright yellow man, named Buely, one of my uncle's slaves, came up to him and shot him; I ain't certain," he said, "whether he shot him or not, but as soon as he raised his arm my uncle fell dead;" he seemed to convey the idea that Hanway was between him and the negroes; he said that Hanway turned around and told him "not to shoot;" when I arrived in Christiana I found another delegation had been formed to convey the corpse of Mr. Gorsuch to Baltimore; at that season of the year it is the custom of all parties to blow horns to bring their workmen to breakfast; in that season the blowing would be from an hour before sunrise until one hour after; I heard no unusual blowing of horns that morning.

Cross-examined—I did not see Lewis on the ground when I came back; the reason Kline was not examined was because, at the inquest, they would not believe him; I was one of the jurors at the inquest; there were no witnesses examined (the certificate of the inquest was read by Mr. Brent); they would not believe him because he has told so many tales there about the fight.

Judge Grier—How were you able to return facts on the inquest, when you examined no witnesses?

Witness—The jurors knew of the affair.

Question by Mr. Brent—But were they sworn?

Answer—No. I did not know that Elijah Lewis or Hanway saw the affair.

Mr. Brent asked the witness if a coloured man came to his house the day before, and if so, for what?

Mr. Stevens objected to this question, on the ground that it was introducing new matter on a cross-examination.

Judge Grier said that it could be introduced as rebutting evidence.

Question by Mr. Brent—I did not look at his clothing before he was put into my dearborn. There was no money in his pockets, when he was examined at Christiana.

John Manderson, sworn—I know the general character of Kline for truth and veracity; it is bad; I have known him for 10 or 12 years.

Jacob Glasmire, sworn—The general character of Kline for truth and veracity is bad.

John Houston, affirmed—In September last I lived at Christiana; there was a party of men working on the public works, who are called to work by a reed horn; it was blown very early in the morning; the valley road runs from Penningtonville; if you go along the long lane, towards Parker's house, the sound would be to the left; in going up the road to the valley hill, the sound would be to the left hand rather behind.

John W. Diters, sworn—I have known Kline for 12 years, and I never heard anything good of him.

Joseph Parker, sworn—I have known Kline for the last 10 or 12 years; his character for truth and veracity is bad.

Cross-examined—I once had a difficulty with him.

Enoch Harlan, affirmed—I have known Castner Hanway about 28 years.

Mr. Stevens asked the witness if he has always been a respectable, peaceable, orderly and loyal citizen.

Mr. Cooper objected to the question. He said he had never heard of good character being put in evidence in a case of treason. It is done in cases of murder; but not in treason.

Judge Grier said it is certainly a matter for the jury. It would have been legitimate for the defendants in the Western treason cases to have produced in evidence, that they had previously borne the reputation of being respectable and loyal citizens. So those concerned in the Northampton cases could have proven the same thing. If a man is found with a counterfeit coin in his pocket, and it is known that he is a respectable and honest citizen, it excites no suspicion; but if a notoriously bad man is detected with such a thing, the presumption is that he knows the character of the money, and that he intends to pass it.

In a case of larceny or robbery, it is legitimate to prove that the person charged has previously borne a good character as regards honesty. So on a charge of treason. Why should it not be lawful to show that the deft. has been such a man as would justify the presumption that he was incapable of committing a disloyal act? It can be done to show that he had no traitorous designs against the Government, and that he did not attend conventions and conventicles of men and women of a certain sect, to abuse the act of the Government. It is a matter from which can be inferred the feelings of the deft. It is therefore admitted.

Witness—I mean a man who would not oppose the government. But where a man's conscientious sentiments are contrary to the command of the government, he may sit passively by and yet be a loyal man. If the United States were to command me to fight against the enemies of the country, I could not, according to my religious scruples, do it.

Mr. Brent here said to the witness—And yet you would think yourself a loyal citizen?

Witness—I should certainly do so, for I would not actively oppose the laws of the government.

Mr. Hanway is not a member of either branch of Friends; I don't think I could assist if I were called to restore the slave to the master; I hold that the institution of Slavery is wrong.

By Mr. Brent—You make a distinction between an active and passive resistance to the laws?

Witness—Yes. I may stand by and see others execute a law, without assisting when called upon, and yet be a good citizen, where my conscience is against the act.

By Mr. Brent—Then you are to be the judge whether a law is right or wrong?

Witness—Certainly.

Judge Grier—Every body knows that this is part of the religious creed of the Quakers. He then asked whether the defence could close by holding a night session?

Messrs. Stevens and Read thought not, as they had some little testimony to offer which could not then be procured.

The Court then adjourned.

NINTH DAY—THURSDAY, Dec. 4.

U. S. CIRCUIT COURT—Judges Grier and Kane.—The defence of Castner Hanway was resumed this morning. The ladies were in greater attendance than on any previous day, and seemed to have taken time by the forelock, as long before ten o'clock, they had not only filled up the seats heretofore appropriated to their use, but had secured an additional corner of the Court room. The case has rather increased in interest. A large number of the members of the Anti-Slavery Society were present. After the testimony shall have been all submitted, it has been arranged that three counsel shall speak on each side. Mr. Ludlow will open for the United States. Some little disorder was manifested when the Court room doors were opened, by a rush of persons for admittance.

Judge Grier said that the room would have to be cleared, if order was not preserved. This notice had the desired effect for a time; but a second rush was subsequently made, when the officers threatened to close the doors.

Judge Grier again said that those persons who had secured places inside must assist the officers in arresting disorderly persons, or they would have to leave the room also—they should all go.

Order was restored. The crowd was greater to-day.

Judge Grier—The Court is now opened. Mr. Stevens, do you intend to examine any more witnesses?

Mr. Stevens—Yes, sir.

Charles H. Roberts, affirmed—I know the general character of Henry Kline for truth and veracity from what others say of him; it is very bad.

Joseph M. Thompson, sworn—I am acquainted with Hanway; during the years '44 and '5, I became acquainted with him; I knew him before that; his character as a peaceable and orderly citizen has been very good; I never heard it called in question.

Geo. Mitchell, sworn—I have known Hanway 8 or 10 years; he lived with him for 15 months; his character has been remarkably good.

Levi Wayne Thompson, sworn—I have known Hanway for about 15 years; he is a peaceable, orderly citizen; I know nothing else of him.

Andrew Mitchell, sworn—I have known Hanway some 8 or 10 years; have been intimately acquainted with him; he has an exemplary character, is an orderly, good citizen.

Morton Pennock, affirmed—I have known Hanway for about 5 years, and well for 4 years; his character for peace and order is unexceptionable; remarkably so.

Samuel Pennock, affirmed—I have known Hanway for 4 years; his character as an orderly and well-disposed citizen is very good.

John Bernard, affirmed—I have known Hanway for 5 or 6 years; he has always supported an excellent character for an orderly and well-disposed citizen.

Calvin Russell, affirmed—I have known Hanway ever since he was a boy; at Doe Run, when a boy, I knew him first; his character has been remarkably good from his boyhood up.

Isaac Walton, affirmed—I have known Hanway for 15 or 16 years; I have been acquainted with him by report; he lived at my father's place; I have known him for about 3 years; he has supported an entirely unblemished character; I know of nothing at all that would be likely to impeach him for a breach of the peace.

James Coates, sworn—I have known Hanway for 4 years; his character has been very good during that period.

Ellis P. Irvine, affirmed—I have known the deft. 4 or 5 years; his character has been good during that time; I always thought him a civil, quiet, harmless man.

George W. Irvine, affirmed—I have been intimately acquainted with deft. for 3 years; in the fall of 1849 he lived with me; he bore a very good character for an innocent, good-hearted man.

Mr. Stevens informed the Court that they had now closed the evidence for the deft.

George L. Ashmead said—That it now became his duty to open the rebutting evidence of the United States. We shall offer nothing that will reflect upon the character of the deft. The U. S. do not seek for a victim in the deft. One point I shall direct your attention to, and that is the evidence against Kline's character for truth and veracity. If you believe him the deft. is convicted. They have attempted to break him down. It may be necessary for me to remark, that the evidence of H. H. Kline does not now stand in need of corroboration; he has been corroborated by some of the very witnesses who testified against him for the defence.

There are jurors here from the interior of the State who cannot appreciate the duties of a constable in a city like this. An officer's duties are numerous. Other officers have followed him through envy, and have here testified against him at every opportunity. If an officer does his duty in a large city like this, he is sure to have enemies in proportion to the fidelity with which he discharges his trust. We shall show, by a large number of citizens, that they would believe him—that his character for truth and veracity is good.

Another point to which I call your attention is, that we shall show, in relation to the kidnapping, that the person taken away, of whom they spoke, as the cause of the combination, was a slave. The deft. has not done as much, though, that they would prove that a boy was kidnapped in that neighbourhood. They have only shown that a boy was taken away; but they have not proved that he was kidnapped. One of the counsel for the defence, Mr. Stevens, said that they would prove one case of kidnapping, which they have not done, and we have a right to presume, that it was the only case they could produce, and they have failed to make out that case. We shall prove that previous to the fight, in the month of September, 1851, armed bands of negroes were seen parading through Lancaster county, with the avowed purpose of killing all slavehunters they could find.

We shall show you that Samuel Worthington, accompanied by others, went to Christiana for the purpose of getting back a runaway slave. That they went to the house of a man named Haines—that the negro went up to the second window with a gun and pointed it at them, and that he threatened to kill him if he fired. We shall also prove that he, in reply to their interrogatories, said that he would take the cue from a white woman who was standing by the stairway. In addition to which we shall prove that she rung a bell out of the window—a horn was also blown from the same place. We shall also prove by a witness of undoubted veracity, that the conversation which Jacob Whitson had with Kline never took place, but it was with the witness on an altogether different matter. Again, gentlemen, counsel for defence have offered evidence to show that Harvey Scott was not on the battle ground at all. We shall produce Harvey Scott himself to show you that he never had an interview with Kline, and that he was on the ground, and how he got out of the window, at what time, and when he returned.

We shall also show you that Dr. Pearce, when he said that Hanway saved his life, did not mean to convey the idea of his doing so from a generous motive, but because he was in danger, from his position, of being shot himself.

We shall go further, and show you, gentlemen, that Henry Kline's behaviour on the battle ground, was prudent, and as it should have been for an officer. We shall show you that meetings have been held in relation to the Fugitive Slave Law &c., in Lancaster county. I shall show you that, particularly, a meeting was held by persons to oppose the law, on the night of the 11th of Oct., in Berks township, Lancaster county, when the following resolutions were adopted:

Mr. John M. Read objected to the reading of the resolutions. The point was waived for the present, but will be presented to the Court after the evidence has closed.

Mr. Ashmead continued—At that meeting they resolved to aid, abet and clothe a fugitive slave, in direct opposition to the act of Congress. I shall not indulge here in any general remarks—this is not the time and place for it. I shall state, in conclusion, that when the gentleman who opened the case for the defence, ridiculed the idea of 38 negroes and three white men arraying themselves against the U. S., he did not view it in the right light. The acts of these persons show a deep seated hostility against our government. When I saw a man in the stand who thought it no act of disloyalty, I say with with Mr. Cuyler, Thank God the Union has survived the shock.

Edw. G. Wood, sworn—I know Kline; his character for the truth is good; I would believe him.

Cross examined—Mr. Stevens asked the witness if he had ever heard that he was a pickpocket in New York?

The U. S. counsel objected to the question, on the ground that the question was for truth and veracity.

Mr. Stevens said, that as a *crimen falsi* it went to show the character of Kline.

Mr. Cooper said that Kline was not here to contradict every insinuation that might be thrown out.

Judge Grier said that he thought Mr. Cooper was right—that it would not do to ask questions foreign to the case. A man's character might be undermined by the mere asking of such questions.

Judge Kane said that he had never heard such a question put.

Mr. Stevens—I don't intend to ask any questions, that I do not think I can prove.

The question was overruled.

James H. Buckley, sworn—I know the general character of H. H. Kline for truth and veracity; it is good; I would believe him on oath; I have known him 8 or 9 years.

Cross-examined—I am the Lieutenant of the Mayor's Police.

John Hentz, sworn—I know the general character of H. H. Kline for truth and veracity; it is good; I would believe him on his oath; I have known him upwards of 10 years.

Samuel Goldy, sworn—I know the general character of H. H. Kline for truth and veracity; it is good as far as I know; I would believe him on oath; I have known him for 10 or 15 years.

Cross-examined—I have heard it doubted.

Peter Keller, sworn—I know Kline's general character for truth and veracity; it is good; I would believe him on his oath; have known him for 25 years; we were boys together.

Cross-examined by J. M. Read—I was a police officer under Mayor Jones.

Charles Worrell, sworn—I know the general character of Henry H. Kline for truth and veracity; it is good; I would believe him on his oath; I have had a good deal of business with him and he has always acted honest with me; I am an inn-keeper.

Cross-examined—I have heard things prejudicial to his character; I have heard some speak ill of him; and have heard him very favourably spoken of; and others say he was a bad man.

Question by G. L. Ashmead—I would still believe him on his oath.

William McDaniels, sworn—I know the general character of H. H. Kline for truth and veracity; I should suppose his character good; I would believe him on his oath; I have known for 15 years.

Cross-examined—I have heard him badly spoken of during this trial.

Question by G. L. Ashmead—I still have the utmost confidence in him.

Wm. B. Rankin, affirmed—Have known him for a number of years, and I have never heard his character for truth and veracity called in question.

No cross-examination.

Christopher Brazier, sworn—I am an Alderman of this city; I know the general character of Kline for truth and veracity; I would believe him on his oath; have known him for 15 or 20 years.

No cross-examination.

Michael Lawrence, sworn—I know the general character of H. H. Kline for truth and veracity; I always considered it good; I would believe him on his oath; have known him more than 20 years.

No cross-examination.

Thomas Steainrook, sworn—I know the general character of H. H. Kline for truth and veracity; I would believe him on his oath; I have known him 23 or 25 years.

John S. Keyser sworn—I am the Marshal of Police; I know nothing against him; I would believe him on his oath; I have heard things against a great many men.

Jacob Whiteman, sworn—I have known the character of H. H. Kline for truth and veracity; I would believe him on his oath.

Cross-examined—I am a bar-tender; I knew him at Ald. Brasier's.

John Gamble, sworn—I know the general character of Kline for truth and veracity; I have never heard it questioned; I would believe him on his oath have known him 10 years.

Cross-examined—I am an officer; have been for years.

John Millward, sworn—I know the general character of Kline for truth and veracity; I would believe him on his oath; I have known him about 7 years.

William W. Weeks, sworn—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath; I have known him for 20 years.

Andrew Flick, sworn—I know Kline's general character for truth and veracity; it is good; I would believe him on his oath; I think I have known him for 16 years.

Cross examined—I am now a constable; I was formerly a clerk of the Quarter Sessions.

Frederick M. Adams, sworn—I think I know the general character of Kline for truth and veracity; I think it is good; I would believe him on his oath.

C. B. F O'Neil, sworn—I know the general character of Kline for truth and veracity; I think it is good; I would believe him on oath.

Cross-examined—I never heard it impeached until I read it in the paper last evening.

Aaron Green, sworn—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath. I have known him 8 years.

James Barbor sworn—I know the general character of Kline for truth and veracity; it is good; I never heard it questioned; I would believe him on his oath; I have known him for 6 or 7 years.

James Brown, Sr, sworn—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath.

Cross-examined—I keep the Democratic Head Quarters.

George B. Moore—I know Kline's character for truth and veracity; it is good; I would believe him on his oath.

Cross-examined—I am a painter; I was under the Mayor for 2 years; I never was an actor.

Daniel Weyman, sworn—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath; I have known him for 17 or 18 years.

Thomas Connell, affirmed—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath. I have known him about 25 years.

John Martin sworn—I know the general character of Kline for truth and veracity; I consider it good; I would believe him on his oath; I have known him for 13 years.

Cross-examined by J. M. Read—Have you ever heard his character spoken of badly?

Answer—I have heard a great many men badly spoken of; I have heard it badly spoken of these last two days.

Robert L. Curry, sworn—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath; I have known him 13 or 14 years.

E. J. Charnley, sworn—I know the general character of Kline for truth and veracity: it is good: I would believe him on his oath: I have known him about 13 or 14 years.

Question by J. M. Read—What is your regular business?

Answer—I am a clerk.

D. A. Davis, affirmed—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath; I am one of the interpreters of the State of Pennsylvania; I have known him 10 years.

David M. Wilson, sworn—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath; I have known him for 20 or 25 years.

Cross-examined—He has never been a witness in a criminal suit.

Jacob Ubeli, sworn—I know the general character of Kline for truth and veracity. It is good. I would believe him on his oath. I have known him for 20 years and upwards.

John McElroy, sworn—I know the general character of Kline for truth and veracity. It is good. I would believe him on his oath. I have known him for 10 years and upwards.

Cross-examined—I am a clerk, a book-keeper.

[illegible] W. Steinrow, sworn—I know the general character of Kline for truth and veracity. It is good. I would believe him on his oath as quick as any other man. I have known him about 5 years.

Edgar Somerdike, sworn—I know the general character of Kline for truth and veracity. It is good. I would believe him on his oath. I have known him 13 years.

Nathan Lukens, sworn—I believe I know Kline's general character for truth and veracity; it is good; I would believe him on his oath; I have known him for upwards of 20 years.

Laffayette Steinrock, sworn—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath; I have known him 6 or 7 years.

Thomas Downing, sworn—I know Kline's character for truth and veracity; it is good; I would believe him on his oath; I have known him for 18 years.

Wm. D. Hazlett, sworn—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath; I have known for 18 years.

Daniel Emerick, sworn—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath; I have known him 20 years.

W. Reckefris, affirmed—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath; I have known him from his boyhood, but more particularly and intimately for the last 4 or 5 years.

James Pidgeon, sworn—I know the general character of Kline for truth and veracity; it is good; I would believe him on his oath; I have know him for h0 years.

Question by Mr. Reed—Do you keep tavern now?

Answer—No; I have not for many years.

Albert G. Stevens, sworn—I know the general character of Kline for truth and veracity; it if good as far as I know; I never heard anything bad about him; I have known him for 10 or 15 years; 10 years at least.

(The Court is still in session).

A number of additional witnesses were examined as to the character of H. H. Kline. Their names were James Brown, Daniel Bickering, Wm. L. Gray, John J. Fellits, Henry Cornish, Samuel Babb, Thos. Wallace, John C. Lamb, Wm. Roy, Joseph A. Nunes, Jos. Abrams, Michael Bavi, Wm. H. Hawkinson, Charles H. Lex, Thos. C. Connell, Joseph P. Thomas, Wm. P. Connell, Joseph S. Brewster, Edgar E. Pettit, Wm. E. Lehman, Dr. S. P. Vondermith, Ald. Jno. A. White, C. P. Buckingham, Philip Winnemore, John L. Smith, and —— Carter. They all testified to having known Kline for some years, some of them upwards of 20 years, and stated that they would believe him on his oath, and that his character for truth and veracity was good.

When the examination had reached this point, Judge Grier said, how long do you intend to examine witnesses to a point of character? Are you not satisfied to take the old trick or do you want 3 or 4 for one?

G. L. Ashmead—They have examined 29 witnesses to Kline's bad character, and we 79 to his good character.

Judge Grier—Go on, sir, we don't want to interfere with you, we only wanted to call your attention to the matter, that you might determine whether you have not had enough to establish your purpose.

Mr. Ashmead said that they would now close the examination on that point, and call witnesses to other facts. They would, however, first call one more witness as to character.

Witness—I know his character in this way; I never heard it questioned; I would believe him on his oath; I was Deputy Attorney General for about 2 years.

Cross-examined—I usually look upon the evidence of police officers with more scrutiny than anybody else; because, to use the expression of D. P. Brown, Esq., "they go with suspicion in one eye and a bench warrant in the other."

George Dyer, sworn—The testimony which Mr. Johnson gave yesterday in relation to a conversation that took place between us, was false.

Wm. Noble, affirmed—Mr. Read asked for what purpose the witness was offered.

Mr. George L. Ashmead—To prove that in the month of September, 1850, in Lancaster county, armed bands of negroes paraded through the place after slave catchers, for the purpose of killing them openly, as they avowed. That there was an organized band in these parts, who were prepared to resist every act of the United States by violence that has for its object the arrest of fugitive slaves. I have briefly stated the nature of the evidence, and shall leave the rest to my colleagues.

J. M. Read—This is the most extraordinary offer I ever heard in rebutting evidence. They knew of this evidence beforehand. They have withheld this witness for rebutting evidence, which was not just and honourable towards the defendant. This is unprecedented. The prisoner has a right to hear all the charges against him, and know who are the witnesses against him. It is of the same class of evidence as that of holding Anti-Slavery meetings. We have confined our evidence to show the acts of this particular defendant. The evidence was purposely shorn down. The United States attempt to cut their case in half—the first part to be offered at the beginning, and if that will not do, they offer the other part to make good their cause. It may be a part of our argument that there was no treason, Hanway, at least, was not engaged in it. The rule is, that the list of witnesses should be shown three days before the commencement of the case; but here they keep it in their pockets as a reserve, in case the first part did not answer. To show the state of the county previous to this act, was testimony in chief, and should have been given as such. It is doing the prisoner injustice to offer such testimony now. It has been kept to influence the jury, as they will hear it last.

Geo. L. Ashmead said—That the earnestness with which the Counsel has spoken on the subject, shows that it is the pinching part of the case. I arise to correct another wrong impression. The gentleman said that the knowledge of this witness' evidence was known to the Counsel. It was not known by any of the Counsel for the United States that this evidence was in existence, until after the defendant's Counsel had opened the case. So much for the supposition that the Counsel for the United States purposely held this evidence back. If the U. S. Counsel had doubted the propriety of introducing this witness, they would have held it back.

Mr. Brent said—I can only say for myself, as a gentleman and a member of the Bar, that I had no knowledge that such evidence was in the possession of the United States. Suppose it had come to the knowledge of the United States after the jury had been empannelled; even then they could not have offered the evidence in chief. By the evidence of concert which we gave of armed bands of men, we considered it sufficient to make out a *primæ facie* case of treason. If the defendant's counsel thought the case was not made out, then they should have so stated. I take the opening of the defendant's counsel to show an avowal of armed men parading through the place. [He read from Mr. Cuyler's speech.] Your Honours will perceive that the defence confess the organization of armed bands of negroes. They gave the evidence, going back as far as January last. They say a freeman was kidnapped. Now, we wish to rebut that evidence. The only question is—is this question strictly rebutting? Now, if we show that this organization dated back anterior to March last, and that it was not for the purpose of rescuing freemen, but fugitive slaves; we offer it to show motive. Is there anything of unfairness in the United States rebutting the evidence of the defence?

Judge Grier—There is very little difference between rebutting evidence and evidence in a "set off;" everything tending to show there was a combination to resist the laws was entirely a matter of evidence in chief; he can't start a new case in this way. It is likely Pennsylvania will finally have to shut negroes out altogether from the State, if they do not learn to obey the laws.

Judge Kane—There are two indispensable elements in a treason case—the crime and preconcert. It can't be admitted as evidence, for these things should have been made out in the examination in chief.

Geo. L. Ashmead—Counsel seems to have misunderstood Judge Kane's remarks.

Judge Kane said, he meant to be understood that the evidence offered was cumulative.

Samuel Worthington, sworn—

J. M. Read—What is he called to prove?

George L. Ashmead said he was called upon to state what he offered this witness for! You have ruled out the offer just made as cumulative, and stated that it should have been offered in chief. The testimony ruled out was not known to the United States at the time; I now proceed to offer testimony which may be distinguished from that ruled out. The defence said that a black man had been taken from that county, and carried into Slavery in June last. I will show by this witness that in March last the witness went to that neighbourhood to arrest one of the fugitive slaves, and that the same signals were given then, and armed bands mustered and resisted him. It will show preconcert and combination from that which is alleged in defendant's behalf.

Judge Grier—What distinct fact do you offer to rebut in their evidence? Do you offer to prove that the master went to a peaceable house at night, and presented a pistol to the head of the man? If so, I cannot see where the difference is from what we have ruled.

Mr. Stevens—We have proof that a coloured man had been abducted, but did not give his condition, whether bond or free. Does the gentleman from Maryland wish to rebut the opening speech of a lawyer? If so, we take it not to be admissible.

Mr. Brent—I advanced no such absurd proposition. The gentleman is indebted to his own imagination for it.

Judge Grier—I don't think they described his condition—whether he was a freeman or a slave. They only said he was a negro.

Mr. Cooper—If they did not do so, then there is no issue between us.

Mr. Brent read part of the testimony of Mr. Pennington. It was offered to show that a negro was seized and carried away to Slavery, and never returned. I think we can show that the same organization did not apply to cases that occurred at night, but even in broad daylight, notwithstanding the wit and sarcasm of one of the counsel on the other side.

Judge Grier—I think this comes within the category of the questions just ruled out. I have stated the case of a Sheriff being shot who would go to a house at midnight and attempted to execute a writ. I think that these bands are composed chiefly of runaway negroes, with a few whites not much better. You understand the sense in which I state it.

Geo. L. Ashmead—We want to show combination between the blacks and whites.

Judge Grier—I don't think it can be admitted.

Geo. L. Ashmead—I wish to put in evidence the warrants against Hanway, and 39 others—and Hanway, Scarlett and Lewis jointly, to effect the credibility of Elijah Lewis. He would not read it now.

J. M. Read—There is a difficulty in the way. The bills are to the next Court, and are not here now.

Judge Grier—It has been admitted by both sides that he is indicted as one of the conspirators. It is like playing a game of whist, and reniging a trump to win the last trick with.

Dist. Att. Ashmead—Your Honour seems to be familiar with the game.

Judge Grier—I don't deny that I am well acquainted with it.

George T. Cockney, sworn.

Mr. Read asked what this witness was offered for?

Geo. L. Ashmead said—He offered this witness to prove that what Jacob Whitson said about the offer of a reward of $10,000 was untrue, and that the witness himself was the man who had the conversation with Whitson. [Whitson was sent for to be present.]

Witness [looking at Whitson]—that is the man: it took place at his father's house: Kline was there; I think Kline had no conversation with Whitson; I had a conversation with him; I went to the house with Kline and asked for Parker; a young lady said he was not there; I said he wanted to search the house; he was willing; I then said it was no use, as he was willing; I went out and sat upon the fence; there was a talk about $10,000 reward; I said if I had been young Mr. Gorsuch, and my father had been killed, I would offer $10,000 and follow him to Canada but what I would have him; a young lady talked a good deal, but I paid no attention to her; I was asked if I knew Parker; I said if he was the slave of Mr. Gorsuch they called Nelson, I did know him; I was present when Mr. Kline was put out of the room at Christiana.

Mr. Stevens objected to the question, and said that one witness had stated that Kline behaved bad, and was put out of a room.

Judge Grier—If you want to show bias in the witness who testified, you can—but if not, it comes within the same category that we have already settled.

Geo. L. Ashmead—That is what we want to do.

Mr. Brent—A man by the name of Hopkins testified that, to prevent a fight between Kline and another, Kline was put out of a house at Christiana, and that he saw Jacob Albright put Kline out, but he did not help. We want to show that Hopkins had the difference, and helped to put him out. We want to show bias.

Mr. Cuyler—This was brought out by their own cross-examination.

Judge Grier—Was it your own cross-examination?

Mr. Brent—Does your Honour mean to lay down as a principle, that if a witness says he had no difference with the persons he is assailing, that it can't be rebutted that he had such a difference?

Judge Grier—They don't offer him to contradict them?

Judge Kane—There seems to be a discrepancy in the recollection of counsel as to what Hopkins did testify to. If he did testify that he had no difference with Kline, it can be shown that he had—but if it is as to a third party, it cannot be given.

Mr. Ludlow said—He had asked the question of the witness himself whether he had any difficulty with Kline?

Witness—I was there during the difficulty between some police officers and Kline at Christiana; I don't know about Albright.

Cross-examined—I have no violent hostility to Hanway; I have not said I would tar and feather him if I caught him in Maryland, nor in reference to Mr. Lewis, nor to either of their families; I know neither of their families; part of the conversation I have related took place on the fence and part in the house; the $10,000 was on the fence, which was across the lane.

By Mr. Stevens—You say that during all the time Kline and the Chief were there, he did not open his mouth.

Witness—He answered some questions asked him; but did not say much.

John Bacon, sworn—I was a neighbour of the late Mr. Gorsuch; I went to Christiana after the occurrence of the 11th September; I was there when a man was put out of the house; I saw the man Hopkins there; I think he assisted to put Kline out; Kline came into the room and touched one of the criminals on the shoulder, and said he wanted to speak to him; Lieut. Ellis forbid him to speak to him; Kline said he was there from the first, and had a right to speak to him; Lieut. Ellis and others said he should not, and called it a small affair.

Judge Grier—When you measure a bushel of wheat, you do not wipe every grain. I recollect a case like this is likely to prove, tried in Dauphin county, that took six weeks, by investigating the characters of each witness who testified; and when they had concluded, they had forgotten what it was about; these little things are like covering up the case with straw.

Geo. L. Ashmead—If your honour does consider it mere straw, the counsel for the defence take a great deal of trouble to pull it away.

Mr. Stevens—I want to hear all about the small affair he was speaking of.

Judge Grier—Have you both closed?

Mr. Brent—No, sir; we want to hear what he has to say.

Geo. L. Ashmead—We had better now adjourn, as we shall call a witness who will probably be objected to.

J. M. Read—We had better have it decided now.

Henry Scott, a coloured witness, was called to the stand and sworn.

John M. Read—We ask the gentlemen for the United States what they propose proving by this witness?

Geo. L. Ashmead—We offer him to prove that the evidence of Mr. Carr and son, which set up an alibi in relation to witness, is not correct.

Thad. Stevens—If it is to prove anything that took place on the ground at the time the fight was raging, it is evidence in chief, and as such, cannot be admitted at this stage of the proceedings.

John W. Ashmead—We produce the witness merely to prove that he was at Parker's on the day of the fight.

Mr. Stevens—I hope your honours will permit the witness to tell all he saw on the ground, if he was there.

Witness—Question by Geo. L. Ashmead. Were you at Parker's or on the ground the day of the fight.

Answer—I was frightened when I was taken up; and I said I was there; but I was not there—(here a loud clapping was made by a large number of persons in the Court room, which was stopped by Judge Grier directing the officers to arrest such persons as they saw creating the noise.)

Witness—The officer said to me when I was arrested, you were there; he would say I was there; and I then said I was there; but I was not there.

Judge Grier—Take the boy away; somebody has had conversation with him since you have.

Geo. L. Ashmead—Have you had any conversation with any person on this subject, since I saw you three days ago?

Witness—No, sir.

John W. Ashmead—If your honour please, I have a public duty to perform, and I feel bound, in justice to the people and the government under which I hold my office, to ask that this witness be committed to answer the charge of perjury. He swore at Christiana that he was on the battle ground at the time the fighting took place, and now, under oath, he testifies that he was not there. He also made oath a second time that he was there, when examined in the case of Williams, before the Commissioner.

John M. Read—I am informed that he is a poor, ignorant being, and I think it can be proved that he is not right in his mind; I am in no wise interested in his case, but make these remarks to the Court merely out of humanity.

John W. Ashmead—I am satisfied with that explanation, and, therefore, withdraw my application.

The witness was directed to quit the stand.

Judge Grier—Send him away, and first pay him what you owe him, if you owe him anything, that he may not go to stealing. It is not worth the while of the United States to meddle with such a poor devil—send him away.

Judge Grier—Gentlemen, let us see when the examination of the witnesses will be done with.

Thaddeus Stevens—We can't well tell when the examination will be closed; for the other side have one more witness to examine, they say; until we hear what that witness has to say, we cannot tell how far our cross-examination will extend.

The Court here adjourned.

TENTH DAY—FRIDAY, Dec. 5th.

U. S. CIRCUIT COURT—Judges Grier and Kane.—The case of Hanway was resumed this morning, at 10 o'clock. The crowd increases with every day's proceedings, and the ladies bid fair to monopolize two-thirds of the seats in the room. The court was pretty well filled with spectators at about 9 o'clock. The Anti-Slavery folks of the male sex had possession of the south side of the Court room. These people seem to have a proper idea of activity, and hence are early in the seats appropriated to spectators. Delay is always dangerous. The fullest attendance was present to-day, but all were orderly.

Judge Grier said—he had no doubt it was a natural feeling to get in to hear this case: but they must behave themselves. He was exceedingly mortified to hear the clapping manifested yesterday, and it showed a low condition of human nature. To applaud the perjury of a miserable negro, for it was evidently perjury, evinces moral feelings that he would not envy. This testimony would have no bearing upon the case one way or the other. It would not weigh a straw either for or against the prisoner. He had evidently been tampered with by somebody. If such a manifestation takes place again, I will have such persons arrested and sent to prison, and if the spectators do not assist in their arrest, we shall have the room cleared.

Mr. Stevens—Your honour says somebody has been meddling with this witness.

Judge Grier—I do say so—for the thing displays itself.

District Attorney Ashmead—The man swore three times to the same state of facts—once at Christiana—again at Lancaster, and a third time in Philadelphia.

Mr. Ashmead said there was a witness present, whose name is Charles Milford, a coloured man, that he would ask the Court to order into custody, as he would be an important witness in the trial of another case, as according to the ruling of the court in this case, his testimony now would only be cumulative.

D. P. Brown asked in what case he was to be used, as he was engaged to defend nearly all the other cases. He would like to know whether his name was on the list of witnesses for the defence.

District Attorney Ashmead said, he was not. They had just discovered this testimony, and would to day make out a new list of witnesses.

George L. Ashmead said, he thought it his duty to say, that their counsel had been deceived by a witness; counsel should show certain facts connected with the deception. Scott has told a straight forward tale until he came on the stand yesterday. He would show that in the Marshal's office, Scott was talked to by several negroes, who were driven away from him. He would call witnesses to show this.

Alderman Reigart called.

J. M. Read said—Scott should have been called as a witness in chief, and it is now too late too call him, or any one, to testify to what he before said in rebuttal. They can't bring in collateral matter now. It is beneath the dignity of the United States towards a poor miller at Lancaster county, to permit such a course of examination. If Scott had been examined, he never would have said, if he told the truth, what they say he told counsel. If perjury was committed it was induced by the other side at Lancaster, when the poor negro was frightened into it. He therefore objected to its admission.

Mr. Cooper—Thought it would be competent to show that the other side had ploughed with their heifer, he was not so weak minded as not to be able to tell a straight forward tale. He would say that they did not suppose the counsel for the defence had effected this. Persons had been brought into Court dressed out slickly by somebody, and the poor negro Scott, appeared in Court in rags. It showed a difference of treatment in the witnesses.

Mr. Stevens—I repel the insinuation that we or any one belonging to us, have tampered with the witness. The State of Maryland may assert this, but they are the only persons who have had intercourse with him. Because we have not fed and clothed him, they insinuate that we have induced him to commit perjury. That perjury has been committed, is true; but it was committed under the supervision of Ald. Reigart and others. They want to bolster up the rotten testimony of one witness upon which their case stands, and which is overborne by three of the most respectable citizens of Lancaster. I shall confine myself strictly to the evidence in the case, except where it is necessary to repel insinuation against the professional integrity of counsel for the prisoner.

Dr. Pierce re-examined—State what you did say as to Hanway getting between you and the negroes.

Mr. Stevens objected, as it would be going over the ground already gone over.

Judge Grier could see no use of it.

Mr. Brent—I said I saw Noah Buely running towards the house, and not from it; Kline acted throughout the whole affair with determination and vigour.

Mr. Brent—What did you tell Dr. Patterson?

Mr. Stevens objected—He said he would then call Dr. Patterson again.

Judge Grier—It is like playing the game of Whist; if you withdraw your card he has a right to withdraw his.

Dickinson Gorsuch re-examined—I recognised two negroes, Noah and Josh; the phonographic report is wrong.

Geo. L. Ashmead—The rebutting testimony is now closed on the part of the United States.

Mr. Stevens—We have nothing to offer.

Judge Grier—I have determined patiently to hear this case to the end. What arrangements have counsel to make as to the speaking each side? It is only usual for two on each side to speak.

District Attorney Ashmead—We have arranged among ourselves, with the approval of the Court, that three shall speak on each side.

Judge Grier—Very well; go on.

Jas. Ludlow, the junior counsel for the United States then began his address to the jury, substantially as follows. It displays great research and ability.

May it please the Court, and you, Gentlemen of the Jury—On the part of the Government we will now proceed to sum up the evidence which has been adduced in this cause, and by an analysis of it show, we think to your satisfaction, that the prisoner is guilty in the manner and form in which he stands indicted. My learned friend, the District Attorney, informed you in his opening address that we came not here to demand innocent blood; with that remark I most heartily concur. Gentlemen of the Jury, the Government which we have the honour this day to represent, is by far too benevolent to descend to so mean a position. The foundation of this prosecution is the Constitution—its support, the laws of the land. We appeal, therefore, to the law and the evidence, if they be not with us and for us against the prisoner.

In order that you may distinctly understand the law, and be enabled to wind through the evidence in the cause we shall direct your attention to several distinct propositions:

And 1st, We will review the occurrences which disgraced the State of Pennsylvania upon the 11th of September last, and show that by the law these transactions constituted the crime of treason, and that the prisoner at the bar was a guilty participant in that crime.

This tragedy opens with the visit of one Williams to Christiana, who upon the 10th day of September carried that information, the receipt of which was to be followed by outrage upon the law and the death of an unoffending citizen.

Shortly after his arrival, certain gentlemen in pursuit of their lawful property, proceeded to the vicinity of Christiana, in search of fugitives from labour, and on their journey thither, are startled by certain sounds of horns, bugles and other instruments.

The next act in this drama of blood exhibits an infuriated and lawless band of negroes, summoned together by extraordinary exertions, it must be believed, and resisting the process of the Government in the hands of an officer of the United States.

The story does not end here, their leader has not yet appeared, and in anxious expectation they await his arrival; soon he is at the bars and immediately they send up the shout of welcome, and rush onward to accomplish their nefarious designs.

The prisoner at the bar refuses to assist the officers, exclaims that he cares not for this or any other act of Congress, and depending upon the agency of his white friends in scouring the county and arming the blacks, he defies all authority, and only retreats from the field of battle when, in his opinion, his presence is no longer needed. He then recited the facts as they were developed in the testimony.

Such, may it please your honours and the Court, is a brief and imperfect sketch of the acts and deeds of a band of conspirators and traitors.

We say, that from the nature of this assemblage—from the multitude of armed men present, there must have been a conspiracy, and that the appearance of the white men at a particular juncture of time, proves that they must in some way have been cognizant of the existence of that conspiracy.

He next turned the attention of the Court and jury to the law of the case. He said that such Judges as Scroggs and Jeffries had been alluded to, and freely commented upon, by the counsel for prisoner, as fit instruments for deeds of blood, under an arbitrary government. But the term "levying war," does not rest upon the decisions of such Judges as Scroggs and Jeffries. Those bright-minded and pure-hearted Judges, Hale and Mansfield, have made it the law of the land. Mr. Ludlow here paid a glowing tribute to the characters of these learned Jurists. He held them to be among the brightest luminaries that have shed lustre upon humanity. He quoted, 1st, the English cases, beginning with the case of Pugh vs. Storer, 1 Hale, P. C., p. 132, in which it is set forth, "that if a multitude of men levy war to pull down all inclosures, or to expulse strangers, or to remove counsellors, or against any statute, as namely, the statute of labourers, or for enhancing salaries and wages—this is a levying of war against the King, because it is generally against the King's laws." To sustain this position, he quoted Fost. 219, Damaree's case, 8 State Trials, 219, 15 Howell, 521, Purchaser's case, 8 State Trials, 267, 15 Howell, 651, Lord George Gordon's case, 21 Howell, 485.

He said that by the English authorities it is uniformly and clearly declared, that raising a body of men to obtain by intimidation or violence, the repeal of a law, or to oppose and prevent by force, or terror, the execution of a law, is an act of levying war. To sustain this, he quoted Doug. 570—4 Cranch, 75—2 Dallas, 346—8; 2 Dallas, 370.

Whenever a lawless meeting is convened, whether it shall be treated as riot or treason, will depend on the *quo animo*—4 Bl. Com. 81. 1 H. P. c. 133—4 Fost. 210, 213, 215 and 218. 1 Hawk. P. C. 37. 4 Bl. Com. 35. 1 Hale P. C. 440. 8 State Trials, 247. 2 State Trials, 586-7. 3 Just. 9; and Wh. St. Trials, for opinions of Judges in these cases.

These English decisions were followed up by American cases, explaining in what sense our courts have viewed the term "levying war." He said that the term was taken from the 25 Stat. of Ed. 3, and cited Burr's trial, 402, and the trial of Fries, 167, to prove it.

Any rising of the people in the U. S. to attain or effect by force, or violence, any object of a great public nature, or of public or general concern, is a levying of war. He cited Fries' case.

To oppose the execution of an act of Congress, with a view of defeating its efficacy, and thus defying the authority of the Government, is treason. Cited the case of the United States vs. Vigole, 2 Dallas, 347.

An insurrection to suppress an office created under the laws of the U. S., to compel resignation with an armed party, committing acts of violence and outrage with a view to render void an act of Congress, or to prevent its execution by force, is "levying war." Quoted U. S. vs. Vigol, 2 Dal., 346—U. S. vs. Mitchell, 2 Dallas, 355.

Mr. Ludlow said—That he would be compelled, for the purpose of applying the law to this case, as he proceeded, to refer to many of the cases quoted by Dist. Att. Ashmead. The case of the U. S. vs. Mitchell, was next alluded to, and will be found in Wh. St. Trials, 183.

The case of the Northampton insurgents was next cited—Wh. St. Trials, 480. This authority goes to the intention of the armed force. Judge Peters, in his charge, asserts that it is levying war against the United States for persons who have none but a common interest with their fellow citizens, to oppose or prevent, by force of numbers or intimidation, a public and general law of the United States, with intent to prevent its operation, or compel its repeal. Judge Iredell confirmed this view; Judge Chase, also. State Trials, 734; same book, 585.

To the point, that two witnesses were necessary to prove an overt act, Mr. Ludlow admitted it; but contended that intent may be proved by one witness, or collected from circumstances, or even by a single fact. Peters, Wh. St. Trials, 585, 6.

A large number of other authorities were cited to sustain the position assumed by Mr. Ludlow. He said to overthow all this law, one case had been quoted by the counsel for the defendant—that of the U. S. vs. Hoxey. This case, he said, only showed the object of the guilty party in that case, which was merely to steal the raft, and has no application to this case.

Mr. Ludlow next took up the testimony, and commented upon it. He said the counsel who opened for the defence attempted to ridicule the circumstance of a hundred ignorant negroes with a miller on a sorrel nag, in a felt hat, and without a coat, making war upon the United States, and that miller without arms in his hand. It is not necessary to constitute treason, that a mob should be all armed. If part are armed, and a part participating to give directions, without arms, they are equalty guilty of the overt act.

Was Hanway not engaged in the treason? Let us scan his acts. What did he do? He made his appearance upon the ground at the sound of horns, in his working clothes, mounted upon a horse, followed by an armed band of infuriated blacks. When asked to assist in executing the law, he said something about the officers not being able to arrest the fugitives, and his Lieutenant, Lewis, added something as to blood, in addition to what Hanway said. Was his conduct that of an innocent or guilty man? It has been attempted to show that Hanway only went upon the ground to see justice done. He remains upon the ground during the whole of the fight, giving countenance and encouragement to the negroes; and it was not until Hanway had leaned down from his horse, and whispered something to the negroes, that they raised a shout and commenced firing.

After Mr. Gorsuch had been killed, the prisoner sat quietly upon his horse, with the corpse lying before him, without evincing the least disposition to assist him, or check his assailants. His whole conduct, from first to last, was that of a guilty man, aiding and abetting the violation of law. Lewis, one of the conspirators, is brought upon the stand, to testify, in order to shield his co-conspirators by his testimony. His evidence was minutely examined, and its improbabilities pointed out. He contended that little confidence could be placed upon the testimony of a man who was so deeply implicated in the treason himself—one of those who mingled in the affray to direct it, but cautiously abstained from conveying arms to hide his acts.

He said the prosecution was to have been overwhelmed by showing that the act of arming and combining in Lancaster county was in consequence of a band of kidnappers inhabiting a corner of that county, invading the rights and liberties of citizens of that county. This they utterly failed to show, and when the prosecution wished to show that the man taken away was a fugitive slave, they objected, and had the testimony ruled out.

He did not wish to say any thing against the character of the prisoner. But it seemed strange that a man who was alleged to have always maintained a good character for peace and order, should have been able to make so feeble a display. Very few of his immediate neighbours appeared, and most of them had known him for a year only. If he was the man he has been alleged to be, the whole of Sadsbury township could have been obtained. This point was fully argued.

He next turned to Kline's character, which had been so furiously assailed. The defence thought that they were gliding away upon a smooth sea, with strong men at the helm, in this attack; but they have been overwhelmed by us in their attempt. We could have extended our testimony to two hundred more witnesses of high character as to the truthfulness of Kline.

The discrepancy of the testimony of the witnesses for the defence was pointed out, and contrasted with the evidence for the U. S.

The coroner's jury, and their action in the case of their finding, was severely commented upon. He said, that their verdict showed what the general feeling was in that neighbourhood. The officers of the commonwealth requiring no oath from the witnesses examined, but merely requesting them to narrate their stories in their own way; and then have the hardihood to find in their verdict that an honourable man, armed with the authority of the laws of his country to secure his own property, had created a riot, by an attempt to invade the domicile of a peaceful negro family. Does not this show the feeling?

It has been alleged that Dr. Pearce said that he owed his life to Hanway. He did say so. But how did he owe it to him? Why, by getting on the opposite side of his horse, and putting him between himself and the band of armed negroes. This was not done with the prisoner's consent. And to save his own life did Hanway only interfere, as the fire from the negroes at Pearce would probably have killed the prisoner. But to show the power Hanway had over the negroes, and that he was the head conspirator, it was only necessary for him to raise his arm, when the negroes halted, and were quiet—he spoke, and their fury ceased. Could he not have done this before? Certainly he could.

He next turned his attention to the testimony of Harvey Scott. Did he speak, while on the stand, as a man of weak mind? Did he use negro language? Neither. He displayed considerable education; and to prove that he had been tampered with, before even a question was asked him, he made his statement, which had evidently been prepared for him to be levelled at Kline.

The peroration was beautifully patriotic. In his denunciation of the bigots, zealots and demagogues, who are alleged to have stimulated opposition to the laws of the U. States, he was exceedingly severe. Mr. Ludlow concluded.

J. M. Read stated to the Court that Joseph Lewis, Esq., who was to follow Mr. Ludlow, was taken suddenly sick. He would therefore have to ask the Court to adjourn over until to-morrow morning, as he was to follow Mr. Lewis, and was compelled to leave the city this afternoon at 2 o'clock.

Judge Grier said he was desirous to give all the indulgence possible, but he was afraid the jury, who had to be kept together, would not thank him for giving away time. He, however, would direct the officers to give them exercise in the open air.

Mr. Brent said, he would ask no indulgence for himself, but as it was a case of great importance, he would like that Mr. Lewis should have an opportunity of being heard.

REMARKS OF MR. LEWIS, FOR THE DEFENCE.

Mr. Lewis began his address to the jury substantially as follows:

When we look at the law in relation to treason, and the evidence adduced, we have no reason to be afraid of either the life or liberty of the defendant. I cannot shut my eyes to the indefatigable efforts of the counsel for the United States. Nor can I shut my eyes to that appeal which cries for blood as patriotism. If I cannot find enough to justify a solicitance on my part, I still have cause enough to take some trouble.

This, gentlemen, is an important case. The life of a human being is involved. That of itself is an awful consideration. Though that life may have been through years of misery and crime, still the occasion is one of interest. But when, gentleman, that life is of a young man of fair prospects and pure heart, the importance is increased an hundred fold. The attempt is made here to brand his name with the infamy of treason. He is to be ranked with miscreants who have raised the paracidal hand against their country. He is hunted down as a traitor to his native land.

This prosecution seems to me to have commenced in a period of excitement—of public frenzy. Had a little time been given to inquire into the facts, and who Hanway was, you would never have had the trouble of trying it. Had the mock hero of this trial been allowed to sink into his former insignificance, this duty would not have devolved upon you. An idea exists that in the town of Sadsbury, an unwholesome sentiment in relation to the Fugitive Slave Law prevails, and that the defendant is one of these persons. There is no suspicion in the evidence that the defendant belongs to any class who have arrayed themselves against the law, or that he cherishes opinions adverse to that law.

He is an humble man, who pursued the even tenour of his way, without mingling in the political struggle of the day. It seems that owing to some partiality, or because the State of Maryland has such great interest in it, he is still to be pursued for this high crime of treason. Can it be that the State of Maryland has some sinister object in view? Can it be to terrify the people of Pennsylvania? Are we to be terrified into the promulgation of her views? Pennsylvania has stood firm before and since the adoption of the Constitution. She has stood by the compromises of that Constitution with unflinching resolution. In the preamble to the Constitution of this State there is an eloquent paragraph, written by a member of this bar, announcing the fact that this is a free State.

There is nothing in nature that sanctions Slavery. Pennsylvania entertained a spirit of comity with the South, and was willing to assist her in every thing just. The act of 1789 gave the South peculiar privileges in our State. It granted the South a privilege as sojourners—the privilege of bringing their slaves into this State for the period of six months, without their being liberated by this residence. The act of 1793 continued in operation until 1820. During this period it was found that great abuses were perpetrated on both sides of the line. False claims were made. The abuses were made manifest, and the law of 1820 was passed, which took away a part of the jurisdiction over fugitive slaves.

The law continued in operation tlil 1826, when another was passed, which gave the slaveholder a right to pursue his slaves into free States, and which punished kidnappers. That law was passed at the instigation of Maryland. That law gave entire satisfaction. A coloured woman fled from that State, and had two children in this State. They were arrested here and taken to Maryland. The man who arrested them was himself arrested and tried for kidnapping. The question was tried in York county, taken to the Supreme Court of this State, when a special verdict was found, and it was then taken before the Supreme Court of the United States, and the law of 1826 pronounced unconstitutional.

This kind spirit of charity existed between this State and the South. It has been here denominated unkind towards the South. I submit to you that Pennsylvania does not deserve the epithet of unkindness towards the South. We are entitled, in this State, to be considered as not occupying a ground by any means hostile to what the laws of Southern States pronounced property.

This much it was proper to say. Now, gentlemen, having thus ascertained the position which Pennsylvania occupies on the slave question, we might go further and see if the same spirit of comity exists in other States. The position which this State occupies is, to put no obstacle in the way of those who came here after their slave property, and to prevent the same persons from taking away violently the free coloured persons residing within her limits. Has the defendant acted in any other way than as a citizen of this State should have acted, in relation to the Christiana affair?

Now, gentlemen, it is always to be observed, that the business of reclaiming fugitive slaves belongs properly to the South; and it is not to be expected that our citizens should interfere. The only thing that can be asked us in justice is to keep our hands still, and not interfere with them in taking away fugitive slaves. Our U. S. Courts have no common law jurisdiction, and if the case has no penalty attached to it, it cannot be acted upon by this Court.

No law that comes in conflict with the sentiments of both North and South can be enforced. You might fill your prisons with persons for refusing aid, and you never could make the respectable citizens take any part in the arrest af slaves. Southern gentlemen may have their slaves run away from them into this State or any other; they may pursue them; but they cannot expect the people amongst whom the slaves conceal themselves to assist in their recapture.

The act of 1850 excuses them from any thing of the kind; while this is done, it allows to them free privileges, full scope, to take their slaves from the place where they may find them. The law of 1850 has two points—that no man be carried into Slavery, if he be a freeman; and if he be a slave, that no obstruction be placed in the way of those who legally claim the slave.

Is there a single thing that can be attributed to the defendant but what was in accordance with his Pennsylvania feelings, and his Pennsylvania rights? Let us see to the matter; but before I do it, allow me to say, that no man laments the dreadful catastrophe which took place more than Castner Hanway. He deeply, sincerely regrets the lamentable events by which a family was deprived of a father.

Prior to this affair, nine months, a gross outrage was perpetrated in the same neighbourhood. Mr. Chamberlain's rights of domicil were invaded; a man in his employ was violently, brutally taken away. The persons feeling their insecurity, it was natural for the white people in the neighbourhood to see by what authority they came there to molest the peace of the place. I ask, was it not their right, as well as their duty, to inquire whether the party who surrounded Parker's house, were the same as Perry Marsh's gang, who visited the place before, in January, and violated their rights, and the law of 1850.

They had a right to see to it. Was not the matter such as would have induced the suspicion that something was wrong? for why would Kline have been figuring in the place two days before at the head of a party? It leads to the inference that they had not come merely to take fugitive slaves, but to execute some nefarious designs. It had at least the odour of kidnapping. Had the gentlemanly Marshal of this Court have gone there unarmed, he could have captured the four fugitive slaves without the least difficulty. Even had Kline have taken a carriage and went quietly to the business, he would have been successful without the shedding of a drop of blood.

If notice was given, it was given to the four slaves and to none others. Elijah Lewis, as a citizen, as a man of humanity, deemed it his duty to see that the invaders were not kidnappers, as was represented to him, and took Hanway with him. Hanway would have been less than a man had he refused to accompany Lewis to the ground. I submit to you, gentlemen, that the defendant going to the ground, as he did, was within the strict line of his duty. I would call your attention to his conduct while there.

The complaint is, that he did not assist. He was not bound to assist, if I have read the law aright. He could have refused, and submitted to the penalty of the law; but that penalty is not treason. Combination must be proved, in order to make out treason. No combination has been shown. The imputation of such an idea is perfectly absurd. Here is a country 3,000 miles from ocean to ocean, and 2,000 from the St. Lawrence to the Rio Grande, and a population of 26,000,000; and here in a little lane an army is raised to put down the Government of the U. States, or, at all events, to make the Fugitive Slave Law a nullity. No other refutation need be made but to hold up to you the transaction itself. I will not ask you whether they combined to overthrow the authority of the U. States, but whether there was a combination at all for any purpose.

What was it that Hanway did? Kline met him at the bars. The latter asked him to assist. He declined. This was the head and front of his offending. I now take the testimony of Kline. I asked him, in the name of the act of Congress, to assist me, when he refused. The defendant had nothing to do but to retire, which he did. Hanway ascertained that they were there to arrest fugitive blacks; he turned his horse and rode quietly away. There is nothing that implicates the defendant as to improper conduct. You heard what Kline said about the defendant telling the negroes something in a low voice. Kline could not hear on this stand without raising the voice high.

☞ *Concluded on IVth Page.*

A YOUNG AFRICAN PRINCE IN ENGLAND.—An intelligent African boy, five and a half years old, has lately arrived in Liverpool. His name is Thomas Conroy Caulker, son of Caulker, king of a part of the Sherbro county. His father governs a country adjoining Sierra Leone, and has done what he could to suppress the slave trade; and his son has been brought to England for Education by Captain Edufus Swinton, of the Adeline, of Newcastle.—*Christian Statesman.*

THE *American Messenger* (monthly), published under the auspices of the American Tract Society, at their establishment in Nassau street, has the largest circulation of any newspaper in the world; amounting at the present time to no less than two hundred and sixteen thousand copies. Of the whole number, 196,000 are published in English, and 20,000 in German.

National Anti-Slavery Standard.

*** *All communications for the paper, and letters relating to its pecuniary concerns should be addressed to* SYDNEY HOWARD GAY, *New-York.*

†‡† *Donations to the Treasury of the* AMERICAN ANTI-SLAVERY SOCIETY *may be forwarded to* FRANCIS JACKSON, *Treasurer, at Boston; or to* SYDNEY HOWARD GAY, *New-York.*

NEW YORK, THURSDAY, DECEMBER 18, 1851.

KOSSUTH AND SLAVERY.

M. KOSSUTH has now defined his position. He has erected his platform and proclaimed where and what it is by the sound of the trumpet. He will permit no mistake about it. His knowledge of the English language is admitted, on all hands, to be most remarkable. His acquaintance with the *American* language is no lees extraordinary. His superlative eminence as a linguist henceforward can never be gainsaid. He is accurate in idioms and exact in phrases. The chairman of the Committee on Address and Resolutions of a Democratic Convention, or a Doctor of Divinity cooking up a sermon on the Religious Duty of catching slaves, could not manage the niceties of our dialect more skilfully. "Domestic Affairs," "Foreign Interference," "Domestic Concerns and Party Questions," flow from his pen as if he had sat under the preaching of Dr. Dewey or Dr. Tyng all his days, or had studied law with George Wood or Daniel Webster. He knows as well as we do what these words and phrases mean. There is but *one* 'affair,' 'concern,' 'question,' with which he or any other foreigner is not free to interfere to his heart's content. And that is the little weakness under which we labour of stealing every sixth baby that is born into "the Great Republic of the United States," and compelling it to grow up, live and die in a state of personal degradation and mental darkness, compared with which the restraints imposed upon Hungarian freedom of action and thought, were perfect freedom and the fullness of light. And this trifling infirmity M. Kossuth has now proclaimed, he does not intend to "meddle with."

This he intimated in the Reply which he *would* make to the Address of Mr. Lewis Tappan's Society, notwithstanding the gentle entreaties of that too modest gentleman, that he would not endanger his patriotic health by such an exertion. So, again, in his Reply to the Address of the Coloured Citizens, the exiled Hungarians of our Austria. But to put the whole matter beyond a peradventure, he puts forth the Proclamation to which we have alluded. That is to say, while he is appealing to the people of the United States for their intervention between his countrymen and their tyrants, he is careful to let them know that he has no intention of intervening between them and the victim of their own tyranny. He invokes the moral power of the nation, with significant intimations that it will be of no great avail unless physical power stand behind it, to comfort the heart and to strengthen the hands of Hungary in the conflict which he sees to be impending. And to purchase this moral, perhaps physical, interference, he is willing to say nothing of the moral weakness of the nation which neutralizes all its moral power. He proclaims that as far as Slavery is concerned, his Mission, like that of Unitarianism, as expounded by one of its chief Rabbis, is "SILENCE." He would have us feel for the robbed, peeled, hunted Magyar, and to express our loathing of the tyrant and his tools, while he has no word of sympathy for the wretched fugitive slave, and none of scorn and execration for the monster from whom he has fled, or for the Woods and Collinses and Union Safety Committee men who "intervene" to send him back in chains!

Now we do not deny that M. Kossuth is wise in his generation in thus doing. He, certainly, could not get what he came after, if he did anything else. He has a distinct and unmistakeable purpose in his mission to this country. He is a man of sense and ability. He did not come here for trumpery processions, and snobbish speeches, and bad dinners, and worse wine. He came for men and for money, for loans and for bayonets, for an American legion under the Hungarian flag, for an American fleet, sweeping the Baltic and thundering at the gates of St. Petersburgh. The sympathy for which he asks is that uttered by the cannon's mouth and urged home at the point of the bayonet. Resolutions either of mobs or of Congresses are but so much foul breath unless they stand for these things; This he knows, and this he has said pretty plainly. He has well exposed the meanness of our sneaking doctrine of Non-intervention. The only excuse for it, as set forth by Washington, Sixty years since, on the principles by which we had obtained our nationality, was that of physical weakness. That excuse exists no longer. From a fourth or fifth rate Power, we have grown up to be a Second, if not a First-rate one. And, moreover, the excuse is a lie. We have always been ready to interfere with other nations when the Slave Power demanded it. The War of 1812 was such an Interference, so was the war with Mexico, so have been our intermeddling with Slavery in Cuba and with the attempts of England to suppress the Slave Trade.

But though M. Kossuth has understood us well enough to know that he had no possibllity of getting what he wanted without making his bow to the cap of our Gessler, still, had he known us a little better, he would have known that he could not get it at any price. He did not know (who could, except an American Abolitionist?) what a nation of hypocrites we are. Though he knew that we clung to the right every white man has, of "larruping his own nigger" as the most sacred and precious of all, he did suppose we had some share of the sympathy we are so fond of belching forth for oppressed white men. He, probably, sincerely believed that we were in earnest in our loud talk about European despotisms and the right of all nations to free institutions. Had he known us a little better, he would have known that all this was but the reeking self-glorification of pot-house politicians, and meant to extend no farther than the next election. The governing influences of this country have no sympathy with the oppressed classes anywhere. Their secret yearnings are towards Austria and Russia and not towards Hungary. They will discountenance intervention, not because of what Washington said in 1793, or to carry out any established system of policy, but because they do not want the thing done for which the intervention is invoked. They would intervene fast enough if the interests of the Slave Power were to be so promoted. The slaveholders are not going to run the risk of the ruin of their cotton trade by a European war, be the pretence what it may, unless it were the security or extension of Slavery.

M. Kossuth is doomed to bitter disappointment in the result of his American mission. It is plain enough that he has nothing to expect from the General Government. A dinner at the White House, a seat within the bar of the Senate, a farm at New Buda, if any of these things move him, he can probably have them by going to Washington. But as to any effective expression, much less action, such as he desires, he might as well ask it of M. Bodisco or the Chevalier Hulseman. And so as to help outside of the Government. He may rest assured that he will not be permitted to levy troops; and as to his proposed loan, it is not at all likely the Government will permit it to go on, should it promise to be of sufficient amount to alarm either of the double-headed birds of prey which find fitting company in our foul-feeding eagle. A sum sufficient for his personal wants might be tolerated, but anything that looked like the sinews of war would be cut up at once. But there is little danger of this. The slave-catching patriotism of New York may rise to the point of paying Mr. George Wood $500 for his legal services in catching and sending back poor Long; but there is small reason to expect that it will rush into a Hungarian loan to any available extent. Unless M. Kossuth is content to remain in this country as one of the cards with which the next game for the Presidency is to be played, or as the occasion and excuse of unlimited turtle-soup and champagne, at public expense, the sooner he betakes himself back to England the better.

We always deeply regretted M. Kossuth's plan of visiting this country. We knew, as well as he will soon, if he do not now, that it was impossible he should obtain the objects he had in view. We knew that it was impossible, if he refused to bow the knee to the national Baal; and equally impracticable if he did. We knew, what perhaps he did not, that neutrality on the subject of Slavery in this country is a moral, a social, a political impossibility. We feared that he would injure the *prestige* of his European name, by what he would do or leave undone, while we knew that he could not obtain the ends hoped from the sacrifice. In short, we knew, whether he did or not, that Slavery is the prevailing, predominant element of our institutions, and that, while it would demand homage in some shape as the condition of his very existence here, it would never risk danger or inconvenience to help Liberty anywhere. We are grieved that we should be proved a true prophet by the event. M. Kossuth, no doubt, took us as a nation, at our own account of ourselves. If that account were true, his expectations would not have been unreasonable; but, then, we should long ago have swept Slavery out of our way and his. He will return to Europe "a sadder man," we hope "a wiser." He will have used his opportunities to little purpose if he have not learned that Slavery eats out the heart and spirit of a nation where it is tolerated, and that a Slaveholding Republic is but a Despotism in disguise.—E. Q.

NOT GUILTY.

It gives us no little gratification to be able to announce, this week, that a citizen of these States may still refuse to 'bewray him that wandereth'; may still venture to feed the hungry, and to clothe the naked, though the sufferer be black and a fugitive from bondage; may still obey God rather than man, without fear of the Hangman; and that to be obedient to the injunction, 'insomuch as ye do it unto one of these, my brethren, ye do it unto me,' is not yet taken as *prima facie* evidence of treason and deserving of death.

Notwithstanding the tremendous excitement in which the public mind still continues on the subject of Hungarian Freedom, it is probably pretty generally known that Castner Hanway is not to be hanged on an accusation of doing something for Freedom in this country. Our readers, at least, we may presume, do not need to be told of it; they probably are not so absorbed in admiration of the runaway Kossuth, as to forget that those men who, at the worst, only did for a fugitive here, what the Sultan of Turkey did for him, are delivered from the danger of death by the executioner. We are glad—glad as we can be for men so far off—that Austria has as yet rolled no turbanned head in the dust because its owner assisted her runaways to escape, or refused to hinder them; but in our joy for that, we can not forget to rejoice with a joy far greater, and almost unspeakable, that these men within a few hours ride of us, countrymen of our own, are not to die ignominious and painful deaths because they, as Christians, did for poor fugitives from tyranny here what the Mussulmans did for flying Hungarians.

It is, perhaps, a privilege, at such a time as this, to be able to speak to a small audience. Probably there are, among every man's daily acquaintances, those to whom he would never think of venturing to utter any thing of deeper import, or of wider significance, than that the weather is good or bad, that stocks are looking up, or have a 'downward tendency.' To go beyond these important subjects—important certainly in a sense—would be much as if one should seat oneself on the milking-stool and bid the cow consider, in all its relations to the seasons and the whole material universe, the particular cud, whether sweet or bitter, on which she may be chewing; or to ask a very fat hog to reflect how the labours of man have ministered to its obesity; how intimate his connection has always been with his master, and how much more so it probably will become. We feel very much as if the world at large—the world of the United States, we mean—stood in this relation, just now, to us, and for once are thankful that what we say is, as it were, said to a chosen friend, whom we may take by the button and walk into a corner for a quiet chat.

Indeed, were it not so, we should have very little to say. Were our audience out of the Anti-Slavery circle, our communications with it would be very brief, for the very good reason, if for no other, that it would not choose to listen. And if we could catch the ear of the people at large, we should hardly think it worth while, at this moment, to attempt any more extended remark than the somewhat comprehensive one once addressed by a thoughtful lawyer to a professional brother. "Sir," said he, clapping his companion on the knee, and arousing himself from a thoughtful mood, "did it ever occur to you what a damned rascal you are"? If we could lay our hands quietly on Brother Jonathan's broad shoulder, just row, and say that to him—in effect—we should be glad to do it.

As we cannot do that, however, it is a satisfaction to know that any expression of gratification which we may offer at the result of the trial of Castner Hanway will be received by readers who will neither stare at us, nor mock at us; who have no patriotism that can be shocked at the exuberance of our joy; no religion that can be outraged at our devout thankfulness. Were we disposed to be extravagant, we should be sure of sympathy, and nobody would be disgusted at any application we might make of the principles of the Declaration of Independence, of the Preamble to the United States Constitution, or of Christianity, to the condition of American slaves, or of those who may assist any of them to escape from bondage. But it is enough that we offer our congratulations to swell the chorus that must go up from a few thousands of hearts in the Northern States at the triumphant result without dwelling at length upon all the reasons for the general satisfaction.

If all stories be true, however, there are more reasons for this satisfaction than are generally known. It is said that it was more than intimated before the trial, that the Government was determined to have the life of one of the prisoners, and that upon a charge of treason. The hanging of an Abolitionist, it was probably thought, would be a master-stroke of policy, and would do more to stifle Agitation than any step hitherto taken. Fortunately, the Trial by Jury is not yet denied to those who may sympathise with, or who may assist fugitives—American fugitives we mean—as well as to the fugitives themselves; and fortunately, also, the laws of evidence are not yet a dead letter in any of our Courts, except those of Commissioners. And the result of the trial of Hanway is an earnest that this palladium of our liberties is preserved to us yet a while longer, and that the exercise of ordinary prudence in our obedience to the dictates of humanity may save some of us from suffering death at the hands of the hangman on a charge of constructive treason.

And while we may congratulate Hanway for his own sake, and for the sake of his heroic wife—who has shared with him, as far as she was permitted to do so, the hardships of his prison-life, and has been a ministering friend to all his fellow-prisoners—on his escape from the danger that impended over him, we may rejoice, for the sake of others, that he has been called upon to undergo this peril. The Government has put forth its utmost power to enforce obedience, upon pain of death, to a law to which thousands of citizens oppose a conscientious disobedience. If we obey God, we know the penalty which the law demands. If we disobey the law, we know something of the probability that the penalty can be enforced.

We finish, this week, so far as we can, and to the exclusion of much other matter, the report of the trial. That report contains all the evidence, the speech of Mr. Lewis of counsel for the prisoner, and the Charge of the Judge. The report of the speeches of other counsel we are compelled to omit partly for want of room, and partly because we have not, as yet, been able to get them in full. This report is that which has appeared in several of the daily papers in this city and Philadelphia. It is, we have reason to suppose, in the main correct, though due allowance must be made for the gratuitous remarks of reporters, or editors, who seemed to think that a perfect understanding of the trial was impossible unless unmistakeable indications were given of their sympathy with the wishes and intentions of the plaintiff.

KOSSUTH AT THE IRVING HOUSE.

A month of Sundays, though hitherto considered as belonging to that "good timd coming" when we are to enjoy the Millenium, and may look, according to learned divines, for the Abolition of Slavery, is a thing no longer to be despaired of. All great events have their "shadows before," and a week of Fourth-of-Julys may honestly be interpreted as the harbinger of a Moon of Seventh Days. Such a week has just passed over us, and it is by no means certain that it is not to be prolonged into a fortnight. As long, at any rate, as Kossuth chooses to hold open levee at the Irving House, so long, it appears from present indications, are our countrymen disposed to entertain him with rehersals of such scenes as have hitherto been held sacred to the Anniversary of that day on which we proclaimed, as a people, our national existence, by right of certain self-evident truths which ever since we have done our best to prove the absurdest falsehoods. During the last week, the great Hungarian has attended two public dinners, given, of course, in the evening, at which he has set forth, at great length, the cherished object of his life, and how he hopes to forward it by his visit to the United States; but beside these, his days—even Sunday, when a deputation waited upon him to conduct him to church to be preached at—have been consumed in receiving deputations from all manner of corporations, religious, civil, social, political, and academical, each of whom have discharged at him a set speech, which, if not a re-hash of some old Fourth-of-July Oration, may safely be laid away as excellent stuff to be worked up into that article on some future occasion.

Within the narrow limits of our hebdomadal nobody can expect to find even a bucket-full of this flood of eloquence which has fairly overflowed our double-sheeted contemporaries of the Daily Press. To take in a proper sense of its vastness, one must see the whole of it, and even that will hardly redeem it from seeming, as it is the nature of all floods to be, somewhat wishy-washy. That certainly is its unmistakeable character when analyzed by the small quantity; and if the mighty stream loses something of this appearance when looked at as a whole, it is only because we forget its quality in admiration of its quantity. It has never been equalled since a certain flood, the history whereof is given us by Rabelais. The marvel is how any one man could have it all flow over him in one week and be alive on Saturday night. Indeed, but for the intervention of the day of rest, when he dismissed the deputation that came to drag him into a church, we think that Kossuth would hardly have survived it. Like a man in an air-tight box, who must die, at length, from excess of carbon, the great soul of the Hungarian must have gasped for a breath of truth, and have suffocated in such an atmosphere of lies, had there not been a natural period come to his torment. The exhausted receiver of the church, if he had been got into it, would, we think, have finished him. Deputation after deputation, coming, all along, from Connecticut to Florida, armed, each of them, with a speech, have precipitated themselves upon him for an entire week, and almost every hour in the day; and the burden, from beginning to end, has been—Liberty—Freedom—the Rights of Man—Humanity—and never, even by accident, has a word escaped from any of them, or from him, that he and they stood, as it were, in the presence of Three Millions of Slaves to whom every word that was uttered was a bitter mockery. Think of such a week to a man whose life has been spent in securing the abolition of serfdom in his own country, and in raising those serfs to the condition of a free peasantry!

To this sweeping condemnation we may make there exceptions: The Florida Address; the Address of the British and Foreign Anti-Slavery Society; and the Address of the Coloured People of this City. But of these the two first must have affected him much as the gasping man we were just speaking of would be, if he were seized by the throat. The Floridians announced at the outset, in unmistakeable terms, that the "preservation of their own institutions" from the "designs of the enemies of constitutional freedom" was the first duty of the people of these States; and they complimented Kossuth on the evidence he had given of how well he understood this great principle of Union. Could he fail to understand this? Could he help feeling that these slaveholders meant that they accepted his silence as the price of their homage?

What the Floridians, however, could not do, the American and Foreign Anti-Slavery Society—that is, Mr Lewis Tappan—did. They seemed to arouse in him some resentment at the imputation that he dared not speak his true sentiments. The Address of that Society was a very good one, and thanked him for his labours in behalf of that class in Hungary which corresponded with the American Slave. If Mr. Tappan felt it right to assume that Kossuth was ashamed of those labours, he should not have presumed to remind him of them; or if it seemed proper to Mr. Tappan to offer his congratulations and thanks that such efforts in behalf of the Hungarian serf had been successful, he should have left it to Kossuth to deny, if he chose, that there was any parallel between their case and that of the serfs of the United States. But after presenting the Address, the following letter was handed him:

New York, Wednesday, Dec. 9, 1851.

Sir:—In the peculiar position in which you are placed as the Nation's Guest, we owe it to those we represent, to say, the addresses we have had the honour of presenting you has not been presented by a desire to commit you with any party in this country; and as a response might, in the opinion of some persons, seem to have that appearance, we beg leave to remark that no reply is desired—at the same time assuring you that by no portion of the American people are the great and glorious sentiments announced by you, and referred to in the address, held in greater veneration than by such as acknowledge the Divine obligation of doing justice, and showing mercy to all men, irrespective of race or complexion.

We have the honour to be
Your Excellency's obed'nt servants,
Lewis Tappan, N. E. Whiting,
Geo. Whipple, J. W. Pennington,
Samuel E. Cornish.
For the Committee of the American and Foreign Anti-Slavery Society.
His Excellency Louis Kossuth, &c.

Mr. Tappan's purpose, then, in presenting the Address, it would seem, was only to make one of the crowd that approached the great Hungarian, and to enjoy something of the cheap notoriety that that approach would give him. But it is no more than fair to state—if it will save him from any reproach—that this purpose was not to be made public. The letter was for M Kossuth's private reading. The *Courier and Enquirer* thus reports the scene of this presentation. After the reading of the Address, and the presentation of the letter, Kossuth said, looking at the latter:

Would you allow me to read it now?

Kossuth, without changing his position, glanced at the purport of its contents, and turning to the speaker, said: "Be pleased, sir, inasmuch as this is no private audience, but every transaction here has publicity, to read this letter aloud."

Lewis Tappan exhibited signs of surprise and vexation. He premised that Judge Jay, the chairman of the committee appointed in connection with this deputation, was absent. But the eyes of Kossuth were fixed steadily on him, and after some further wavering, he proceeded to read the letter, after which M. Kossuth made the following reply.

Judge Jay's name, it will be observed, was not appended to the letter, though it was to the Address. We doubt if he was consulted and his approbation gained for presenting the Anti-Slavery Cause in this humiliating attitude. It is small comfort for the insult thus put upon the Cause, that it was no less an one to, and evidently felt as such by, Kossuth himself. It would be well, however, if he knew that the signers of this letter represented nobody but themselves, and that the Abolitionists of the country, if they addressed him at all, would humiliate neither him or themselves by proposing a concealment of his real sentiments.

ADDRESS OF THE COLOURED PEOPLE TO KOSSUTH.

The following is the address of the Coloured people of this city to Kossuth and his reply:

Address to His Excellency Governor Louis Kossuth, of Hungary, by the Committee of Thirteen appointed to secure the legal defence of persons claimed as Fugitive Slaves; presented, New York, Dec 12, 1851.

Gov. Kossuth; We appear before you to pay homage to a great principle, which you announce with so much distinctness, and uphold with so much power, the principle that a man has the right to the full exercise of his facilities and power in the land which gave him birth, and that it is his first duty to devote all the energies of his being to maintain that right for himself and his compatriots.

Around this principle you have thrown a radiance which almost clothes it with the sacredness of a new Evangel, and from your world's platform have called upon people and nations, however weak, to stand up and maintain it against whatever odds oppression and tyranny may have arrayed against it. In the face of the distinguished example of the Pilgrim Fathers, and of the many eminent men who have made this their exile home, we have steadily maintained this birth home-right during the last third of a century, in this our native land, and will continue to maintain it until its ultimate triumph—"for the first love of man is to his home"

We feel that this great principle is surely gaining ground, and we hail in your person its living Apostle, who has given it voice and expression. We would express the deep sympathy we feel in you, because of the relation you sustain to liberty. We feel that your mission is a most happy and propitious one. We see in it a part of the special ordering of Providence. The landing of the Pilgrim Fathers; our Declaration of Independence; the Revolutionary Struggle, led by Washington; and the later developments of the principles of liberty, as seen in the struggles now going on in our own country for its further advancement and application to all men—are kindred efforts.

God speed you in your mission! May Hungary be free! And we earnestly pray, that, when the resurrection of your conntry shall indeed take place, she will clothe herself in that true vestment of Democracy, fitly prepared for her when you abolished caste, so that, pure Republicanism will in her be vindicated, and every man stand an equal, in the eyes of the law. Yes! Illustrious Patriot, may Hungary be free! May the world rejoice in her speedy disenthralment. May the joy be two fold, in that Hungary shall be redeemed, and not Hungary alone, but with her the world—mankind.

The attention of nations is fixed upon you! At the mention of your name, tyrants tremble, the oppressed rejoice! There is not a principle advocated by you, not a word that escapes your lips but that is caught up and wafted to every civilized nation. And deep and wide-spread is the joy felt through Europe, when you proclaim the thrilling and trumpet-toned annunciation. "Ye oppressed nations of Europe, be of good cheer and courage."

God moves in mysterious ways. The result of the late Hungarian struggle will be propitious to the general growth of freedom. But for your imprisonment, the world would not now be so electrified by your eloquence—by the Spirit of Freedom. Hungary suffers in the ordering of Providence, for the good of the whole, but her destiny is to be free.

Respected Sir: Your mission is too high to be allied with party or sect; it is the common cause of crushed, outraged humanity.

May you, when you leave our shores, in furtherance of your heaven high mission, carry with you the sympathy of all—the active countenance of all.

Be assured, as you have now our prayers, so when the time comes we shall give you our "Liberty Offering," though it may be but as the "widow's mite."

J. J. Zuile, Pres.,
T J White, Sec.,
Philip A. Bell, Sec.,
J. McCune Smith,
Robt. Hamilton,
Jeremiah Powers,
Wm. J. Wilson,
Junius C. Morel,
John T. Raymond.
Ezekiel Dias,
Thos Downing.
Wm. Burnet,
Geo. T. Downing.

Kossuth's Reply.

Mr. Kossuth said: I have not the intention to make any speech, and I suppose you did not expect me, as last night I had an opportunity afforded me, at the dinner, to express my humble wishes on an occasion so highly important as to the result of my coming to the United States. Now I know what the opinion of the people of the United States is, and I confidently hope that, after the sentiments given to me last night, the time for addresses and invitations has passed, and the time for action has come. At a time like this, it gives me a testimonial of the affection and friendly feeling toward the cause which I advocate. I thank you kindly for the expression of your kind feelings, and I hope that every man who feels sympathy with the cause, will be inclined to do something for it in a practical manner.

The World's Fair.—Those who were unable to attend the great exhibition of the World's Industry, may consider themselves fortunate in being now able to see the whole thing at Stoppani Hall, Broadway. Mr. Barnum, with his usual enterprise, and appreciation of the demands of the public, has seen fit to bring out a most beautiful and accurate panoramic representation of the entire Interior and Exterior of the Chrystal Palace while the exhibition was in full progress. The "views" of the various departments have been admirably executed by the Artist; and the explanatory lecture of Mr. Hall, the exhibitor, is in a high degree calculated to amuse and instruct an audience. A leisure evening for oneself and family cannot well be more agreeably and profitably spent than at this entertainment.

Communications.

ANTI-SLAVERY MEETING

AT ROCHESTER, HERKIMER COUNTY, NEW YORK.

In accordance with a previous notice that Parker Pillsbury and Mr. Ford would speak to the people of this village, on the subject of Slavery and its kindred and social evils, a goodly number convened on Saturday evening, at Temperance Hall, and listened attentively, and I think understandingly, to the steady thunder of Parker Pillsbury's logical, eloquent, and convincing expositions of the Church as connected with the huge giant of stupendous wrong, Slavery. He was followed by the fervent and plain reasoning of Mr. Ford, which closed the exercises of the evening, and the meeting adjourned till morning, Sabbath; at half past ten o'clock, the meeting was opened by Mr. Ford, by reading a portion of the New Testament, and commenting upon it with much point, clearness and effect, as adapted to the particular reform under consideration. Mr. Pillsbury then took the floor, and, with that peculiar manner and winning fascination of countenance and voice which none so well as he knows how to employ for effect, he showed what a man must be to take his stand as an Anti-Slavery warrior, ready for effectual battle against Slavery. He demonstrated, with great power, how much a man lost of his original by submitting himself to be hewn off and circumscribed by the sectarian creeds of the day, if he became one of them in their union of conservatism, opposed to all innovations if not squared by the spirit of their chart and log-book. His delivered thoughts told with wonderful effect upon those present, so that all considered that much would have been lost if they had been absent. The meeting adjourned till half past one in the afternoon. The meeting was organized by calling B. W. Franklin to the Chair, and Geo H. Stowits as Secretary; whereupon, Parker Pillsbury offered the following resolutions for the consideration of the meeting:

1. Resolved, That, as Abolitionists, we are not warring with the question of extending Slavery, whether by the purchase of territory or its acquisition by conquest, or fraud, or force of any kind; nor is it about fugitive slave laws, or writs of Habeas Corpus, or the right of trial by jury; but ours is a warfare deadly and determined, with the doctrine that man can ever, by any possibility whatsoever, hold property in his fellow-man.

2. Resolved, That our controversy with the religion and churches of the country has no respect to their doctrines, creeds or modes of worship, but it is that while they profess to honour God and obey his law they trample their brother's rights and their brother's person under their feet, snatching from him the fruits of his toil, the light of science and education in every department, the felicities and obligations of the marriage and parental relations, the comforts and consolations of an enlightened religion; in a word, wresting him out of the hand of God and from under his government, and binding him down, body and spirit, to the will and caprice, the law and the lust of irresponsible and merciless tyrants.

3. Resolved, That whatever our government may have been in its origin, it is now a conspiracy against law and liberty, a great and wholesale act of treason and rebellion against the only rightful sovereign of the Universe, supporting a slave system, with all its civil and military power, such as has scarcely a parallel in ancient or modern depravities; with a law for the return of fugitive slaves which bids all the laws of Heaven defiance, which reverses the conditions of salvation, which commands what God forbids and abhors, which forbids and punishes that which God has created, and that on which he has hung the salvation of the world; a law which it is a sin not to despise and disobey at every hazard, though such disobedience should sunder all the Unions and Governments man ever made, blot out all the Constitutions he ever framed, and shiver to dust all the Churches he ever organized.

4. Resolved, That man has no right to form any union or confederacy the basis or condition of which shall be that one part of the people shall have the right to inflict injury, and especially such terrible injury as Slavery, on another part, and on their children after them, thus dooming and devoting one class, numbering, as in this country, its millions of innocent victims to perpetual torment for the benefit of the rest of the nation.

5. Resolved, That such were the conditions on which the American Union was formed, and on such terms only is it continued, and we therefore, as the friends of justice and righteousness, pronounce it an unholy compact, not to be prolonged no matter what good proceeds from it, but to be abandoned, no matter what consequences follow, because there is a government beyond all human constitutions, a law higher than all human enactments, and to that law and government we owe an allegiance which can never be nullified or broken by any designs or devices, by any acts or authorities of man, either in an individual or a national capacity.

After the reading of the resolutions, Parker Pillsbury proceeded to address the meeting with the merits of the same as a basis of his remarks; and during the afternoon and evening, he administered stroke after stroke of mighty argument and casuistic reasoning to elucidate his positions and declarations. It would be vain to attempt to give even an outline of his speech, so replete with harmony of sentiment and the magnificent decorations of truth in all her primeval beauty. That slow, steady, full and increased, and yet increasing, flow of thought, peal on peal, lost not its designed effect upon an audience bound to hear and decide for themselves upon the merits of the great questions under discussions. The series of meetings, as a whole, were well attended, orderly and creditable in their character, and calculated to do great good at the present time of need in the moral reformation under agitation.

A vote of thanks from the meeting was given the speakers for their able, logical and eloquent addresses during the several sittings, after the passage of the resolutions by a good majority.

A resolution for the publication of the proceedings of the convention, signed by the President and Secretary, in the *Anti-Slavery Standard*, *Liberator*, and village papers, was carried, upon which the convention adjourned, sine die. B. W. Franklin, President.
Geo. H. Stowits, Secretary.

LETTER FROM W. P. POWELL.

Williamsburg, Dec. 15th, 1851.

My Dear Friend Gay: It is unnecessary for me to state my inducement for leaving this country, with my family, for Great Britain; of that you and the readers of the *Standard* have been made aware of for the last twelve months. We accordingly embarked on board the good ship De Witt Clinton, the 17th ult. Nothing of interest occurred at the outset to mar the prospect of a speedy passage across the Atlantic, or chill the fond hope that our Good Father in heaven would bless us with a fair wind and favourable weather, and guide our frail bark over the bosom of the mighty deep in safety to her port of destination. But on the night of the 21st ult., four days from New York, by one blast "from the four winds of heaven," we were thrown into *sudden despair*, and *terrific danger!* The imminent peril we were in for 70 hours beggars description. "They that go down to the sea in ships, that do business on great waters, these see the works of the Lord, and his wonders in the deep. For he commandeth, and raiseth the stormy wind, which lifteth up the waves thereof. They mount up to the heavens; they go down again to the depths; their soul is melted because of trouble. He maketh the storm a calm, so that the waves thereof are still."

Thus you see, my dear sir, in the providence of God, we have barely escaped with our lives by returning to this port. It is my desire, and that of my family, in this communication through the *Standard*, to make this public acknowledgement, and to "praise the Lord for his goodness, and for his wonderful works, to the children of men, in the congregation of the people," for safe delivery of self and family from shipwreck.

The ship is now undergoing repairs, and will remain here probably till the first of January, when we shall re-embark in her for Liverpool. W. P. Powell.

The official vote of Wisconsin shows 571 majority for Farwell, Whig candidate for Governor. The Democratic candidates for the other State offices have majorities ranging from 2,300 to 5,700 over all.

Flogging and Suicide.—Mr. Ward of Augusta, Ky., a few days since chastised one of his slaves for some offence, and then sent him to the woods to chop. A short time afterwards he was found shot through the head, with a pistol in his hand. He had probably sought that reckless means of ending his humiliation.

Receipts for the Standard.

FROM NOVEMBER 1st TO DECEMBER 1st, 1851.

462	C. S. S. Griffin, Litchfield, O.	1 00
629	John Proctor, Twinsburgh, O.	2 00
636	Mille Lecomte, Paris, France,	2 40
597	H. A. Sweet, Granger, O.	2 00
648	John Hathaway, Gilberts Mills, N. Y.	2 00
608	James Cope, Short Creek, O.	1 00
642	Nathan Page, Jr., Danvers New Mills, Mass.	2 00
606	O. B. Marsh, New Milford, Ct.	2 00
582	Samuel Barrett, Concord, Mass.	2 00
625	E. F. Burnham, Danvers, Mass.	2 00
650	Geo. T. Cook, Boston, Mass.	2 00
628	Wm. Cummings, Boonville, N. Y.	1 00
596	Job Wright, Dean's Corners, N. Y.	1 16
624	Female A. S. Society, Concord, Mass.	2 00
642	Rhoda Beal, Hingham, Mass.	2 00
625	Eliza Thaxter, " "	2 00
642	Elizabeth Cushing, " "	2 00
642	Mary T. Tidmarsh, " "	2 00
638	Lydia Andrews, " "	2 00
582	V. H. Hallock, North East Centre, N. Y.	2 00
608	N. Marble, Port Byron, N. Y.	1 00
628	Miss H. B. Ripley, Hingham, Mass.	2 00
556	Daniel Pound, Prairie du Sauc, Wis.	2 00
625	Matilda S. Pound, Caldwell, N. J.	1 00
607	S. Rawson, Cleveland, O.	1 00
650	Robert Smith, London, Eng.	1 85
594	E. Soule, Savannah, N. Y.	2 00
		$47 41

DONATIONS.

Collection at Syracuse Meeting by S. J. May.	$25 00
Lydia Cudworth, Manchester, N. Y.	25 00

RECAPITULATION.

Receipts for *The Standard*,	$47 41
Donations,	50 00
Total,	$97 41

Notices.

THE EIGHTEENTH NATIONAL

ANTI-SLAVERY BAZAAR.

AT ASSEMBLY HALL,

OVER THE DEPOT OF THE WORCESTER RAIL ROAD, ALBANY STREET,

Will open on Thursday, December 18, at 11 o'clock A. M.

The Committee have much pleasure in announcing to their friends, that it has never before been in their power to present so varied and beautiful a collection of articles as on the present occasion. Owing to increased exertions on the part of friends in Great Britain, and the residence of several of our Committee on the Continent, we trust that the Bazaar of the present year will, in utility, variety and beauty, surpass all its predecessors.

We will enumerate a few of the articles, premising that we are prevented, by want of time, from giving a more elaborate description:

Sofa, Carriage, Toilet, Elbow, and Pin Cushions, of every description, silk, velvet, merino, richly embroidered and plain; the Scotch Shawls heretofore so much admired for their beauty and fineness, including one sent from Edinburgh for Exhibition at the Crystal Palace; every variety of Berlin wool Work, knitted, netted and crochetted, for ladies' and children's wear; Scarfs, Caps and Handkerchiefs, knitted Boots, Shoes and Stockings, for children, of every variety and colour; children's dresses, in silk, calico and merino, the latter plain and richly embroidered; Cloaks and Bonnets, exquisite Honiton Lace, Dolls, plain and in costume; very beautiful Affghan Blankets, of all sizes; Tidies, of all descriptions, some in entirely new styles; Table Covers in silk patch work, Aprons of silk and satin, plain and embroidered; Basket Work of several descriptions, including some of great fineness and beauty, contributed by the inmates of the Blind Asylum in England; ladies' and children's Polkas, Garden Chairs, or Camp Stools; embroidered Covers for chairs and ottomans, exquisite Swiss Wood Work, Bohemian Glass, drawings in crayons and water colours, Portraits and Autographs of distinguished Individuals, rare Spanish Books, contributed by B B. Wiffin; every variety of De La Rues' celebrated Stationary; Bog Oak Ornaments, Articles in Papier Mache, Ornaments in Ivory and Roman Pearl; Paintings on Ivory, Perfumery, Foreign Confectionary, Fancy Soaps, and a great assortment of useful clothing.

We refer our readers to the article below for a description of one of the most costly and magnificent articles that the Bazaar contains, the folding Screen from Leeds. To see this, were alone a sufficient inducement to visit the Bazaar.

The Liberty Bell, containing articles from the pens of distinguished writers, both foreign and American, will be published on the morning of the 18th.

Anne Warren Weston,
Mary Gray Chapman,
Mary May,
Lydia D. Parker,
Frances Mary Robbins,
Helen E. Garrison,
Louisa Loring,
Ann Greene Phillips,
Henrietta Sargent,
Sarah S Russell,
Sarah H. Southwick,
Elizabeth A. Cotton.

Extract of a letter from an English friend.

A few of the chief interesting points and figures in the large Screen contributed by the Leeds Ladies, for the Boston Anti-Slavery Bazaar—Oct. 1851.

The four little impersonations of the Seasons are from statues of the Queen's children, (Victoria's,) taken in those characters by 'Mary Thornycroft.' Winter, the Prince of Wales; Spring, the Princess Alice; Summer, the Princess Royal; Autumn, the Prince Alfred.

The two large groups containing the blind figures are of Belisarius.

'The Young Gardeners,' from a painting by an English artist.

'The Chocolate Girl,' from the Dresden Gallery.

'The Nymph of the Waterfall,' from a painting by O. Maclise.

'The Grape Gathering of Capu,' from a painting by Rudolf Lehmann. [This is a single female figure.]

'John Knox administering the Sacrament,' from an unfinished painting by Sir D. Wilkie.

'Titian in his Study,' from a painting by Robert Fleury.

'Cupid disarmed,' from a painting by W. Hilton.

Hogarth's Laughing Audience.

'Lady Jane Peel,' for obtaining permission to engrave whom, Sir Thos. Lawrence recived £150.

Many of the above are selected from the Art Union.

The following description of the Screen was given by a visitor:

'On entering the room, what a confused mass of beauties are spread before us!—confused for an instant, but examination soon discloses order amid apparent carelessness, arrangement where all seems left to chance. When I tell you that you behold, on one surface, the veiled Egyptian, the elegant Parisienne, the lovely English woman, in all the charms of domestic life, the cathedrals and college edifices of England, together with the most recent edifices of the Metropolis of England, and the principal and princely cities of the provinces, the marble representations of all that has charmed the ages, from Diana down to the children of her Majesty; the cottage homes of England, and the lordly seats of her nobility; the dances of the foreign peasantry, and the manly games of our own yeomanry; her Majesty, (Queen Victoria), now surrounded by her Ministry, now relaxing at the Opera, and now amid the caresses of her family; the winner at the principal horse races, and the lady riding in the parks; together with birds, beasts, buffaloes, fairies and fairy-like ladies; all displayed on the richest scarlet and blue, you may imagine that you have before you a melee, capable of interesting the most *indifferent*, instructing the best informed, and of beguiling the longest and most solitary hours of winter.'

Fourth Worcester Anti-Slavery Bazaar.

Will be held in Brinley Hall, on *NEW YEAR'S WEEK*, commencing on Tuesday Evening, Dec. 30, and closing on Friday Evening, Jan. 2.

In renewing our claim upon every lover of the right, every friend of the oppressed, for aid and co-operation, we feel assured that no word of appeal can so arouse the conscience, or quicken the sympathy, as a consideration of the outrages which, during the past year, have again and again been perpetrated in our midst; legitimate fruits, as they are, of the systematic injustice toward one portion of God's children, which darkens and disgraces our country. Every individual should remember that he will be held responsible for the sin of Slavery, so far as his personal influence extends, unless that is exerted against the iniquitous system. Let, then, those who have hitherto satisfied themselves with a passive deprecation of its evils, worthily close the Old Year, and consecrate the New, by commencing a course of faithful and earnest Anti-Slavery action; while those already in the ranks, who entered upon the campaign well knowing that it would be long, and its victories, though sure, not lightly won, must hold themselves ready for renewed self-sacrifice, and patient, enduring toil. If the voices of freemen are ever to be raised in behalf of the slave, they should utter an availing protest now against the iniquity which triumphs in the land; and a helping hand should be extended toward any enterprise, however humble, which looks in the direction of Freedom. Our success in each previous year has clearly demonstrated the efficiency of Fairs, as a subordinate instrumentality, for the raising of funds, in furtherance of the great work of Emancipation; and the attractions we are this year enabled to offer, in the display of foreign goods, are unusually great, the selections being unsurpassed for beauty and variety. We hope also to present a better assortment than has hitherto been afforded us, of useful and desirable articles of home manufacture.

The Refreshment Table will be found liberally supplied, at all hours of the day and evening, as usual. We feel assured that the friends of the cause in Worcester, and our faithful fellow-labourers throughout the county, will not forget that donations of Tea, Coffee, Sugar, Cream, Milk, Cake, Cold Meats, &c., are always greatly needed, and that Fruit will be peculiarly acceptable.

Articles for the Bazaar may be sent to Brinley Hall on Monday and Tuesday preceding, or at any late date during the Fair.

SARAH H. EARLE,
EMILY SARGENT,
EMMA W. WYMAN,
LUCY CHASE,
HANNAH RICE,
ADELINE H. HOWLAND,
ELIZA A. STOWELL,
OLIVE LOVELAND,
HANNAH M. ROGERS,
SARAH L. BUTMAN,
SARAH R. MAY, Leicester;
FRANCES H. DRAKE, Leominster;
POLLY W. BRADISH, Upton;
CATHERINE BROWN, Hubbardston;
MARIA P. FAIRBANKS, Millville;
NANCY B. HILL, Blackstone;
MARY E. HODGES, Barre;
ABBY B. HUSSEY, Lancaster.
SUSAN B. EVERETT, Princeton;
ELIZA HOWE, Princeton;

Sixteenth Pennsylvania Anti-Slavery Bazaar.

The Fair will be held in December. The Managers appointed by the Female Anti-Slavery Society invite all those who are interested in the great cause to which their labours are devoted, to aid them in their work.

The times call loudly upon us for faithful and efficient effort. Let us be zealous and untiring in our endeavours to arouse those over whom we may have influence enough to give us their aid.

Anna M. Hopper,
Emma Parker,
Janette Jackson,
Rebecca Plumly,
Maria M. Davis,
Emily W. Taylor,
Mary Grew,
Sarah A. M'Kim,
Sarah T. Child,
Anna M. Child,
Huldah Justice,
Sarah Pugh,
Harriet D. Purvis,
Elizabeth Carman,
Mary Shaw,
Sarah M. Douglass,
Margaret A. Griscom,
Margaret Jones,
Priscilla Lukens,
Hannah L Stickney,
Mary T. Stickney,
Clementine G. Ruby,
Margaretta Forten,
Elizabeth Gay,
Elizabeth Davis,
A. Matilda Remond,
Gertrude K. Burleigh,
Sarah Tyndale,
Elizabeth Clendenin,
Abby Kimber,
Martha Kimber,
Evelina Suplee,
Esther Reckless.

Philadelphia, September, 1851.

Old Colony Anti-Slavery Society.

PLYMOUTH FOREFATHERS' CELEBRATION.

The approaching anniversary of the landing of the Pilgrim Forefathers, will be celebrated by the members and friends of the Old Colony A. S. Society, in Old Plymouth, on the 20th and 21st of December, 1851, commencing at 11 o'clock, A. M., on Saturday, 20th. The Abolitionists of Plymouth County have, in their celebrations of this eventful day heretofore, made the occasion one of deep and stirring interest, and worthy of the heroic deeds of their Pilgrim Fathers. The present meeting will, undoubtedly, be of equal interest and importance. All persons, without distinction of sect or party, are invited to meet with us, and take part in our deliberations. Abolitionists throughout the State are particularly invited to be present.

The following persons will undoubtedly be present: Wm. Lloyd Garrison, Wendell Phillips, Edmund Quincy, Charles L. Remond, C. C. Burleigh, Lucy Stone, George W. Putnam, and James N. Buffum.

Bourne Spooner, *President*.
H. H. Brigham, *Secretary*.

Advertisements.

For One Dollar a Year—Either of the following named Journals may be obtained.

The American Phrenological Journal—A Repository of Science, Literature and General Intelligence. amply illustrated with Engravings. Published monthly by Fowlers and Wells, No. 131 Nassau street.

The Water Cure Journal and Herald of Reforms—Devoted to Physiology, Hydropathy, and the Laws of Life, Profusely illustrated. Terms the same.

The Student, and Family Miscellany, designed for children and youth, parents and teachers. Illuminated with engravings. Terms the same.

The Universal Phonographer—Devoted to the Dissemination of Phonography and to Verbatim Reporting with Practical Instruction to Learners. Printed in Phonography. Terms the same.

Either, or all of these Monthlies will be sent by mail to any Post Office in the United States, for One Dollar a year each. All letters and orders should be post-paid, and directed to Fowlers and Wells, No. 131 Nassau street, New York.

"GET THE BEST."

WEBSTER'S
QUARTO DICTIONARY,
UNABRIDGED.
PRICE REDUCED TO $6.00.

Containing THREE TIMES the matter found in any other English Dictionary compiled in this country, or any Abridgment of this work; a GEOGRAPHICAL TABLE of 12,000 Names, ILLUSTRATIVE QUOTATIONS, and other peculiarities and advantages found in no other work,
yet is sold at a trifling advance above the price of other and limited Dictionaries.

The Legislature of New York have just passed an Act to furnish this work to the Common Schools of the State.

[*From Hon. J. C. Spencer.*]
Albany, June 18th, 1851.

Messrs. G. & C. Merriam—*Gentlemen*: After the testimony to the extraordinary merit of Dr Webster's Dictionary of the English language which has been borne by the illustrious Statesmen, Scholars and Writers of this country, and by the most competent judges in England, it seems almost presumptuous for me to express an opinion on the subject, but as your polite note of the 16th inst. seems to invite such an expression, I comply.

More than twenty years ago I procured the Quarto edition and have used it constantly ever since My pursuits in life have rendered it necessary to consult it frequently, as well as other works of a kindred or similar character, particularly Dr. Johnson's Quarto, of the latest and best edition, Richardson's Dictionary, Crabbe's Synonyms, and Horne Tooke's Diversions of Purley. In professional, political, and literary discussions, the turning point of the argument has often been the exact meaning of words, as ascertained not only from their use, but from their derivation: while in many cases, perhaps in the majority of them, the works referred to have failed to give the desired information, that of Dr. Webster has always furnished precisely what has been desired, and I have long felt individually indebted to the illustrious author, for the labour and time he has saved me by his unwearied patience, profound learning, and unsurpassed industry.

It is unquestionably the very best Dictionary of our language extant. It is a model of copiousness and precision, and its great accuracy in the definition and derivation of words, gives it an authority that no other work on the subject possesses. It is constantly cited and relied on in our Courts of Justice, in our Legislative bodies, and in public discussions, as entirely conclusive.

It is scarcely necessary to add that such a work is a treasure which cannot be dispensed with by any one who would thoroughly understand and correctly use his mother tongue. It should be in every school in our land, that our youth may not be obliged, as I have been, to unlearn the false pronunciation, the unsound philology, and the erroneous definitions, which were taught me in my childhood.

The elegance and correctness of your edition—so cheap for a book of its size—one third of what I gave for the first edition—are alike creditable to your taste and enterprise, and worthy of the great work which will ever stand forth a monument of the science and literature of our country.

John C. Spencer

"A Dictionary is the last book which a scholar ever wants to have *abridged*, the process being sure to cut off THE VERY MATTER WHICH HE MOST VALUES."—*Chronotype.*

Published by G. & C. MERRIAM, Springfield, Mass., and for sale by all Booksellers. no 27

THE CHRISTIANA TREASON TRIALS.

[*Concluded from IId Page.*]

Are you going to infer that the defendant used expressions to incite the blacks, when the words were not heard? They could not be given. The law will not allow a man to be convicted when there is no conceivable proof against him. May not the defendant have said to the negroes these are officers of the United States, you had better retire, and be quiet? That, gentlemen, is the presumption of the law. You would not naturally suppose that the words used were inconsistent with the language which he did undoubtedly use "Don't shoot, for God's sake, don't shoot."

What obligation was the defendant under to expose his body to the bullets of these infuriated negroes? There was but a small force against this large mob; and one of them an arrant coward, who, instead of relying on his game of flesh, resorted, to his swiftness of foot—and worked out his own salvation with fear and trembling. If the defendant and Lewis had assisted, what would have been the issue? Why, there would have been more bloodshed. As soon as Kline gave the order to leave, he escaped. Had he behaved with the same courage as the gentlemen from Maryland, all would have worked better. He fled, gentlemen, and left the old man and his son, surrounded by 40 or 50 infuriated negroes.

Lewis withdrew simply from the ground, and Hanway retired slowly, until he got to the creek, where he rested. I am now on the evidence of combination. They talked much of the blowing of horns. A horn was blown coming up and another from the railroad, &c. The evidence, as far as it goes, shows that about daylight, a horn was blown in the vicinity of the railroad, which proves that two horns were blown. They do not show that it was in concert with the persons at Parker's as a signal to them. We show that it was a custom in those parts at particular hours to blow horns. I don't know that there is anything, either in law or reason, to prevent the blowing of breakfast horns.

Is there any evidence to show combination in that particular? It is confined at last to a single horn; which has been proven to have been an innocent breakfast horn. They do not show that the horn blown outside, was in answer to the one blown inside of the house, and hence there is no evidence of combination. There is no overtact proven on the part of Hanway. You must prove by two witnesses that the defendant was in combination with those who committed the overt act. Now, where is there one word, or syllable, or action, to show an overt act on the part of Hanway? I have looked carefully over the evidence for it, but without success.

The proof of innocence rebuts every theory of guilt. Lewis declares that he came to the ground for an innocent and honourable purpose, to see whether the persons there had proper authority for the arrest of persons, and then turned away. Henry Burke corroborates him. Mr. Longhead speaks of being in the clover field when he heard the report of the guns. Now this, you will recollect, was by the edge of the woods, where he saw a man come out of the lane leading a man, and setting him down by a tree, and then followed after Lewis and Longhead. Longhead corroborates Lewis on that point, which tends, very clearly, to show that the statement of Lewis is true, and that Kline is not merely mistaken.

What does Hutchings say? He corroborates them both, and shows conclusively that Lewis had quietly retreated from the ground, directing his course to his own house. So with Hanway. This evidence not only contradicts the evidence of Kline in regard to this particular act, but shows the innocence of the defendant. Throw Kline out, and there will be not a shadow of guilt or even impropriety on the part of the defendant. Kline, feeling conscious that this bloodshed was caused by his cowardice, he, in consequence, framed a story to exculpate himself. Cowards are always liars. Kline is not supported in his evidence. Dr. Pearce does not support him; neither of the Gorsuches, Nelson, nor any of the rest.

What does Pearce say? Notice, and you will perceive how inconsistent the two stories are. Pearce admits that Hanway was no longer at the bars; he had gone; Lewis had gone; Pearce does not say that Hanway and Lewis went away a few paces at the time of the first report of fire arms. So far from supporting Kline, he absolutely contradicts him. Kline's evidence is this (he read the evidence) all in one breath, from the time that Lewis and Hanway left the bars to the time of the firing, hardly a minute elapsed, when Dr. Pearce says that more than a quarter of an hour intervened.

He says that a party fired from the creek up the lane at him, when the lane was filled with negroes. If they had fired up the lane, while Kline was there, as he testifies, they would have shot their own men. Dickinson Gorsuch says, (he read the evidence), that when he got out of the long lane, he met the Marshal. You will see that the evidence of Gorsuch comes in immediate conflict with Kline, in reference to the position which the latter occupied, at that particular time.

Mr. Hutchings also contradicts him. [He read the evidence here.] According to Kline's evidence, he ran out of the woods into the lane, and caught hold of Dickinson Gorsuch, and lead him into the woods. This witness says no such thing took place.

Nelson also contradicts him—he says he did not see Dickinson Gorsuch and Kline together until they came into the woods.

Arnott says pretty much the same thing. That he first saw Dickinson Gorsuch at the mouth of the long lane, and he saw Kline have hold of him in the woods. Now this is the evidence of the prosecution itself, in conjunction with Nelson and Lewis, which goes to contradict Kline. He was not within, I will venture to say, one hundred yards of him, when the shots were fired. He undertakes to say what occurred at the end of the lane, when he was at too great a distance to see anything at that point.

He told Burke and Longhead that he called his men away, and when he found that they would not mind him he came away, and left them. He told Thompson and Loughlin substantially the same thing. This may be considered a part of the resjesta. It is more reasonable to suppose that he told a truer story immediately after the transaction, than at any other time. In addition to that, gentlemen, he has testified that Harvey Scott was there. He saw him in prison and at other places, and Scott's appearance being peculiar, he could easily identify him. If he was there, why was he kept back by the prosecution?

Had they reason to believe that we were armed with witnesses to prove that he was not there? Why did they withhold him? I do not think that it is a part of the business of the United States officer to cull his witnesses. They have no right to select and build up witnesses. Yet here we find a judicious selection of witnesses to support the cause of the United States. Harvey Scott, though he was a witness in chief, was not produced on the examination in chief. They deemed it a matter of expediency to withhold him for the rebuttal. I ask why it was. Had they reason to suppose that we had evidence to contradict him. I repeat, you can't believe that Scott was within 3 miles of the scene where this lamentable tragedy occurred.

Scott was produced merely to bolster up the character of Kline. He was asked but a single question, "were you there." He testified twice that he was; and having been seen by one of the counsel on the other side, he is brought into Court. Having some little remains of conscience left, he honestly confessed that he was not there. This confused the United States counsel. If I understood the argument of the other side, I think it was said that some connection of Mr. Hanway had been tampering with this last witness. I pronounce it an atrocious slander, and spit upon it, and trample upon it as such. There is nothing to show that my honest client was implicated in any such thing. It is a slander.

The character of the evidence of the man was sufficiently strong to establish the reputation of Kline. To be sure we produced some confirmatory and corroborative evidence, among whom was Judge Kelley. You may judge of this man's feats by the evidence produced. It is enough that we show in this case that there is not a material point testified to by Kline, which is not contradicted by three witnesses. I, therefore, throw the testimony of Kline out of the question; I am warranted in it. The evidence of one of the witnesses might lead to a bad inference. Dr. Pearce said that the blacks *seemed* to be inspirited when Hanway made his appearance at the bars.

The blacks, you will recollect, were running towards the house in all directions, across the fields, at the same time. Now, which was it, the sight of the blacks on the road, who could be seen from the house for three-quarters of a mile, or the appearance of a man who, for all the purposes of the case, was not connected with them by any sympathetic ties? He did not belong to any congregation or society which sympathized with the blacks. Then, why should they become inspirited by his appearance at the bars? Shortly after Mr. Hanway came to the bars, they shouted and seemed inspirited, so says Dr. Pearce. Now, how definite is *shortly*? It gives us no better idea of the quantity of time, than a lump of chalk does of size.

The negroes were alone in the second story, and had a fair opportunity of perceiving their friends coming to their assistance. Now which caused the shout? Hanway was a stranger there; for he only came to the place in the April preceding; he was so great a stranger that he did not even know the locality of Parker's house. Hanway not only did nothing that was improper, but his conduct was that of a humane and high-minded citizen; he went to the ground impelled by a spirit of humanity, and saved the life of one of the white men. What was the course of Hanway? It was in evidence that he left and went down half way to the creek. Had he have gone away entirely, Dickinson and Joshua Gorsuch would probably not have been here to-day. Why did he stay there? It was that he might place himself in such a condition as to be of use to the retreating party.

Dr. Pearce does not recollect much that took place upon that occasion, and Mr. Joshua Gorsuch does not distinctly recollect the circumstances, and I don't wonder that he should forget, because of the great injuries he received. Mr. Rodgers, though, went along with Hanway. Where was Hanway when they fired at Dr. Pearce? He was in close contact with the latter, who received a slight wound. Isaac Rodgers recollects, that the defendant said "don't shoot;" and Pearce says he saw him motion his hand back. He staid there to give succour to those who needed assistance. He is called the friends of the blacks—when in reality he was the friend of the whites.

I am only sorry in this case to see that Dr. Pearce is not sensitive of the obligations he is under to the defendant; and that they had to be wrung from him here. It does appear that Mr. Hanway was nothing more than a spectator; and I ask you, must every spectator of outrages be arraigned for treason? Let this doctrine be promulgated, that a man cannot do an act of humanity without peril to himself, and what will be the consequence? Every white man will escape from a scene of this kind as quietly as possible, or rather will keep away from it. Like in Spain, when a man is murdered, all persons immediately fly, lest they may be accused.

If they insist upon the prosecution of men under these circumstances, then no assistance will be rendered gentlemen from the South, when in the pursuit of slaves. If innocent men in the country are to be prosecuted in these outrages, what will be the consequence? I understand in the argument of my learned friend on Friday, an attempt was made to impeach the veracity of Lewis' evidence. It is enough for me to say that his testimony is corroborated by every witness with the exception of Kline.

Kline tells all in one breath, and we would suppose, therefore, that there could not have been time between the first and the last firing to walk a distance of five hundred yards. Why, a person might narrate events in the history of this country from its settlement down, in the same breath, and we would infer that all those things occurred in a few minutes. I have now shown at a greater length than I contemplated, that there is certainly, according to the evidence, not even impropriety proved in the conduct of the defendants. There is no man who would not have been acted upon by the same feelings of humanity. If they had ever shown impropriety it would not be sufficient for the position assumed, that it must be treason.

They may have violated the law, in resisting the arrest of a fugitive slave, in not obeying the Deputy Marshal of Commissioner Ingraham.

The treason consists in levying war, and not in resisting the fugitive slave law. Now, I defy the United States to point to an instance going to show that he ever uttered a sentence that he was not favourable to this fugitive slave act. I want to know if a disproval of a law of the United States is to be denominated treason?

I hold that a citizen may have his opinion of the law,—and even write his opinion of the law—and not be guilty of treason. We are not trying here whether this defendant is favourable or not to the Fugitive Slave Law—it is trying itself. My apprehension is, that the South will be more displeased with it than the North. It takes those who have tasted freedom awhile into Slavery, to become among their brethren, Apostles of Liberty. I speak now for my client, that he is not opposed to any law. He has never advised any one to oppose the Fugitive Slave Law; and, if it were necessary to rely upon this point, I would occupy it with confidence.

I have not gone so far into the evidence as I would have done under other circumstances. I have never never before felt my voice fail me so while addressing the Court and Jury. I now allude to the opening remarks of the gentlemen enlisted in the cause of the United States, who seemed to say that if some person was not convicted, it would endanger the stability of the Union. The stability of the Union, thank God, does not depend upon this or any other trial—nor a thousand such trials. No—it is founded on a surer basis—the affections of the people. Talking about the danger of the Union, is far more treasonable than anything that has or can be done, by any such person as Castner Hanway, either politically or civilly.

I have examined the law, may it please the Court, in relation to the different adjudications in trials of the kind—but my strength has so failed me that I cannot proceed, and shall leave the further enforcement of the law in the case upon my learned colleague (J. M. Read).

Mr. Brent said he would like to have the benefit of hearing the law of the defence.

Mr. Lewis said that he had committed to paper his law points, which the gentleman could read in quarter of an hour.

Judge Grier said, that they could proceed in the regular course, as the two additional speakers had concluded.

Mr. Brent said—he had hoped that he would not have been precipitated in his argument before Monday, as he was suffering from a sore throat; but he would ask no indulgence.

J. M. Read said—he certainly would not ask the gentleman to proceed under such disadvantages.

Judge Grier also intimated the same thing.

Mr. Brent preferred going on now, and proceeded.

CHARGE OF THE COURT.

GENTLEMAN OF THE JURY: We must commend the patient attention which you have thus far given to this most important and interesting case. It has taken up much of your time and caused you some personal inconvenience, but not more perhaps than the importance of the issue, both as respects the interests of the public and your duty to the prisoner whom you have in charge, has necessarily required.

It has been the anxious desire of the Court, notwithstanding the pressure of other duties, to give ample time and opportunity for the careful and full investigation of the facts and law, bearing on the case—not only because it is the first of a numerous list of cases of the same description which involves the issue of life and death to the parties immediately concerned, but because we know that the public eye is fixed upon us and demands at our hands the unprejudiced and impartial performance of the solemn duties which we have been called to execute.

The prisoner at the bar has a right to require of you that you should not permit the atrocity of the transaction or your horror of the offence with which he is charged, or your proper desire to vindicate the insulted laws of the country, to cause you to forget your duties to him, and convict him without full and satisfactory proof of his guilt.

The government also, while it cannot desire the sacrifice of an innocent individual for the purpose of public example, has a right to demand of you a firm, a fearless, an unflinching performance of your duty, and that the verdict you shall render shall be a *true* verdict according to the evidence which you have heard and the law as explained to you by the Court

Before proceeding to notice more particularly the questions of law or fact arising in this case, or the defendant's complicity in the transaction, suffer me to advert to some matters, which though only historically known to us, yet having passed before our eyes as citizens of the commonwealth, may have a tendency to create in our minds some bias on this subject, but which should not be permitted to effect your verdict, whatever your private sentiments and feelings may happen to be.

Without intimating any opinion as to the guilt or innocence of the prisoner at the bar, it must be admitted that the testimony in this case has clearly established, that a most horrible outrage upon the laws of the country has been committed.

A citizen of a neighbouring State, while in the exercise of his undoubted rights guaranteed to him by the constitution and laws of the United States, has been foully murdered by an armed mob of negroes. Others have been shot down, beaten, wounded, and have, with difficulty, escaped with their lives. An officer of the law, in the execution of his duty, has been openly repelled by force and arms.

All this has been done in open day—in the face of a portion of the citizens of this commonwealth, whose bounden duty it was as good citizens to support the execution of the laws without any opposition on their part—without any attempt at interference to preserve the peace; and who, if they did not directly encourage or participate in the outrage, looked carelessly and coldly on. These, I say, are facts established in this case beyond contradiction.

That it is the duty, either of the State of Pennsylvania or of the United States, or of both, to bring to condign punishment those who have committed this flagrant outrage on the peace and dignity of both, cannot be doubted.

It is now more than sixty years since the adoption of the constitution of the United States. Under its benign influence we have become a great and powerful nation; happy and prosperous at home; feared and respected abroad. And why has this confederacy obtained such an immeasurable superiority over the other republics on this continent? It is because, *here*, all bow to the supremacy of the law—because, *here*, we have a moral, virtuous, and a religious people, and a firm, fearless and impartial administration of the laws—because, *here*, the minority uphold the constitutions and laws imposed by the majority—because we have not *here*, pronunciamentos, rebellions and civil wars, caused by the lust of power, by the ignorance of faction or fanaticism, which in other countries have marred every attempt at free government.

That the people of the great state Pennsylvania have a loyalty, fidelity, and love to this Union and the constitution and laws which have so exalted us as a nation cannot be doubted; and yet I grieve to admit, that the only trials and convictions on record for armed and treasonable resistance to the laws of the United States since the adoption of the constitution have their venue laid in Pennsylvania.

But these were more than fifty years ago, and before we had become accustomed to the working of a new and untried experiment in self-government, or anticipated its glorious results. It is not our purpose to excuse or vindicate those early outbreaks of popular insubordition which were soon suppressed by military force and the impartial execution of the laws by courts and juries.

But without, at present, expressing any opinion whether the present outrage is to be classed under the legal category of riot, murder or treason, we think it due to the reputation of the people of this commonwealth, to say that (with the exception of a few individuals of perverted intelligence, some small districts or neighbourhoods whose moral atmosphere has been tainted and poisoned, by male and female vagrant lecturers and conventions), no party in politics, no sect of religion of any respectable numbers or character can be found within our borders who have viewed with approbation or looked with any other than feelings of abhorrence upon this disgraceful tragedy.

It is not in *this Hall of Independence*, that meetings of infuriated fanatics and unprincipled demagogues have been held to counsel a bloody resistance to the laws of the land. It is not in *this* city that conventions are held denouncing the constitution, the laws, and the Bible. It is not *here* that the pulpit has been desecrated by seditious exhortations, teaching that theft is meritorious, murder excusable, and treason a virtue.

The guilt of this foul murder rests not alone on the deluded individuals who were its immediate perpetrators, but the blood taints with even deeper dye the skirts of those who promulgate doctrines subversive of all morality and all government.

This murderous tragedy is but the necessary development of principles and the natural fruit from seed sown by others whom the arm of the law cannot reach.

In making these remarks, we prefer to speak the truth in plain language, without seeking for bland euphonisms or flattering terms of respect for the promulgators of principles which we verily believe are not only dangerous to the peace, prosperity and happiness of the citizens of these United States, and tending to the dissolution of the Union, but subversive of all human government.

I have adverted to these matters which must have forced themselves on our minds and attention before the commencement of this trial, in order to warn you also against suffering them to bias your minds in this case. This defendant must stand or fall, by the *evidence* in the cause, and not be made the scape-goat or sacrifice for the offences of others unless he be proved to have participated in them. But if that shall have been made to appear by the evidence, it will be no excuse or defence for him, that others are equally guilty with himself. It is due to him, however, to say that there is no evidence before us that the prisoner attended any of these conventions got up to fulminate curses against the Constitution and laws of the country, to libel its best citizens and to exhort to a seditious and bloody resistance to the execution of its laws.

You will have observed that this bill of indictment charges the defendant with treason in resisting the execution of a certain law of Congress concerning fugitives from labour, which has been the subject of much controversy and agitation, and on which it may be proper to make a few remarks before we proceed to the more immediate merits of the case.

The learned counsel for the prisoner, having a due regard for the high character which they sustain in their profession, have not made the objection to this law which has been so clamorously urged by many presses and agitators, that it is unconstitutional. It is true some ecclesiastical assemblies in the north, treating it we presume, as a question of theology or orthodoxy, have ventured to anticipate the decision of the legal tribunals on this subject. But highly as we respect their opinions on all questions properly within their cognisance, we cannot receive their decisions as binding precedents on questions arising under the constitution.

The Constitution enacts that "no person held to service or labour in one State under the laws thereof escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due." This is the supreme law of the land, binding not only the respective States as such, but on the conscience and conduct of every individual citizen of the United States. It is well known that without this clause, the assent of the Southern States could never have been obtained to this compact of Union And if, contrary to good faith, it should be practically nullified—if individuals or State legislatures in the North can succeed in thwarting and obstructing the execution of this article of our confederation, and the rights guaranteed to the South thereby, they have no right to complain if the people of the South should treat the Constitution as partially annulled by the consent of the North, and secession from any alliance with open and avowed covenant breakers

Every compact must have mutuality; it must bind in all its parts and all its parties, or it binds none. Those States in the North whose legislation has made it a penal offence for the judicial and executive officers to lend their assistance in the execution of this clause of the Constitution, and compels them to disregard their solemn oath to support it, have proceeded as far, and, perhaps, farther in the path of nullification and secession than any Southern State has yet done. I know it is attempted to justify such legislation by casting the blame on the Supreme Court of the United States, and quoting certain dicta of some of the Judges in the case of Commonwealth vs. Prigg. The question before the Court in that case, and the only question which could be decided was *this* and *this only*.

"That the master of a fugitive having a right under the constitution to arrest his slave without writ, and take him away, any State legislation which interfered with, or obstructed that right, and (as in the case before the Court) punished the master or his agent as a kidnapper, was void." How such a decision can justify such legislation it is not easy to perceive.

The act of Congress of 1793, which was first made to enforce this clause of the Constitution, was found to be defective and inoperative; and chiefly because it provided no legal process or public officer to make the arrest of the fugitive and bring him before the magistrate.

The forcible arrest and seizure of a man without any writ or semblance of legal authority, justly became odious, because it was liable to very great abuse. There was nothing to distinguish the arrest of a master from the seizure of the vile kidnapper and man-stealer. The act of 1851 remedies this evil; it gives the master legal process and an officer of the law to make the arrest, and moreover gives the party arrested the benefit of a hearing and the decision of a judicial officer, before he can be deported. The free coloured man who was before liable to capture by kidnappers, is better protected by this law than he was before.

In this feature alone is there any characteristic difference between this act and the act of 1793, to which it is a supplement—no objection had ever been urged to that act, that it was unconstitutional, because it did not give the alleged fugitives a jury trial. In no case of extradition either of fugitives from justice or from labour, where the only question to be decided is the identity of the person whose reclamation is sought, had it ever been heard that the country or State *to* which he fled was to try the question of his guilt or innocence, or pass upon his rights and duties in the State *from* which he fled. And yet this newly discovered argument is the only one which has ever been urged, with any pretence even to plausibility, by those who make so great clamour against this act.

The truth is, the shout of disapprobation with which this act has been received by some has been caused not because it is injurious or dangerous to the rights of freemen of colour in the Northern States, or is unconstitutional, but because it is an act which *can be executed* and the constitutional rights of the master in some measure preserved. The real objection with these persons is to the constitution itself, which is supposed to be void in this particular from the effect of some "higher law" whose potential influence can equally annul all human and all divine law.

It is true that the number of persons whose consciences affect to be governed by such a law is very small. But there is a much larger number who take up opinions on trust or by contagion, and have concluded this must be a very pernicious and unjust enactment, for no other reason than because the others shout their disapprobation with such violence and vituperation. And possibly some might be found who affect to join the chorus with some slight hopes that they may be able to ride into place and power on the waves created by continual agitation.

It may not be said of this law, or perhaps of any other, that it is perfect, or the best that could possibly be enacted, or that it is incapable of amendment. But this may truly be said, that while there are so many discordant opinions on the subject, it is not probable that a better compromise will be made; and most probably none of us will live to see any act on this subject made to please every one.

Let it suffice for the present to say to you, gentlemen of the jury, that this law is constitutional; that the question of its constitutionality is to be settled by the courts and not by conventions either of laymen or ecclesiastics; that we are as much bound to support this law as any other, and that public armed opposition to the execution of this law is as much treason as it would be against any other act of Congress to be found in our statute book.

Let us now proceed to examine more particularly the specific charges laid in this bill of indictment, the evidence given to support them, and the questions of law involved in the case.

The bill of indictment charges that the prisoner, Castner Hanway, wickedly intending and devising the peace and tranquillity of the United States to disturb and prevent the execution of the laws thereof, to wit, "an act respecting fugitives from justice and persons escaping from the service of their masters," approved February 12th, 1793, and another act, applementary to the same, passed on the 18th of September, 1850, did on the 11th of September, 1851, wickedly and traitorously intend to levy war against the United States.

It then sets forth five several overt acts.

1. That with a large number of persons armed and arrayed with warlike weapons, with purpose to oppose and prevent by means of intimidation and violence the execution of the said laws, he did wickedly and traitorously levy war against the United States.
2. That in pursuance of said purpose, the prisoner and others so armed and traitorously assembled to prevent the execution of said laws, did with force and arms traitorously resist one Henry H. Kline, an officer of the U. States, duly appointed, from executing lawful process, and wickedly and traitorously did prevent by force and intimidation, the execution of the said laws.
3. The third is the same with the second, with this addition, that they assaulted Kline and liberated from his custody persons arrested by him, who owed service and labour to Edward Gorsuch under the laws of Maryland, thereby traitorously preventing the execution of said laws.
4. That the prisoner with the others did traitorously meet, conspire, and consult to oppose, resist and prevent by force the execution of said law.
5. That in pursuance of said traitorous intention, he prepared divers books, letters, resolutions, addresses, &c., which he caused to be dispersed, containing incitements and encouragements to fugitives and others to resist, oppose and prevent by violence and intimidation the execution of said laws.

Whether the allegations of this bill of indictment are supported by evidence, is the matter which you are sworn to try.

In assisting you to arrive at a correct conclusion on these points, it is not the intention of the Court to intimate an opinion on any disputed fact. These are to be decided by the jury on their own responsibility and the oath they have respectively taken to give a true verdict

But there are certain facts in the case which have not been disputed by the learned counsel, and which, in speaking of this case, we may assume to have been satisfactorily proved, as they have not been denied They are these:

That Edward Gorsuch, a citizen of Maryland, was the owner of certain slaves, or persons held to labour by the laws of that State. That these slaves had escaped and fled into Pennsylvana, and were known to be lurking in the neighbourhood of the village of Christiana, in Sadbury township, Lancaster county. That Edward Gorsuch came to Philadelphia in September last, and obtained warrants for the arrest of these fugitives from E. D. Ingraham, Esq., a Commissioner of this court, having authority by law to issue such warrants. That these warrants were put into the hands of Henry H. Kline, an officer duly authorized to execute them.

That on the morning of the 11th of September, about daylight, the officer Henry H. Kline, accompanied by Edw. Gorsuch, his son Dickinson Gorsuch, his nephew Dr. Thos. Pearce, his cousin J. M. Gorsuch, and Nicholas Hutchins and Nathan Nelson, citizens of Maryland, proceeded to the house of one Parker.

That a person who was recognised as one of the fugitives for whom the warrants had issued was seen to come out of the house.

That the fugitive, on seeing the officer and his company, immediately fled into the house and up stairs, leaving the door open behind him. That Mr. Gorsuch pursued him, followed by the officer.

That a number of negroes were collected up stairs, armed in various ways and determined to resist the capture of the fugitives That a gun was fired by one of them at Mr. Gorsuch, and others of his assistants were struck with missiles thrown from the upper windows. That a pistol was then fired by the officer, not aimed at the negroes, but rather to frighten them and let them know their assailants were armed.

That a parley was then held between the parties, and the negroes informed that the officer had legal process in his hands for their arrest. That the negroes demanded time for the purpose, as was supposed, of offering terms of surrender, but in reality, perhaps, to gain time for the arrival of assistance from the neighbourhood That after some lapse of time the defendant arrived on the ground, and at the same time, or soon after, large numbers of negroes began to collect around with various weapons of offence—such as guns, clubs, scythes, and corn-cutters.

That on the arrival of these reinforcements, the persons in the house set up a yell of defiance. That the officer made known his character, and exhibited his writs to the defendant and another white man, who had arrived on the ground, and demanded their assistance in executing the warrants, which was refused. That the officer deeming the attempt to execute his writs in the face of a numerous, armed and angry mob of negroes, hazardous, made no further attempt to do so, being content to escape with his life.

That the mob of armed negroes, now amounting to near or about one hundred persons, immediately made an attack upon the party who attended the officer. Edward Gorsuch was then shot down, beaten with clubs, and murdered on the spot. His son, who came to his assistance, was shot and wounded, and with difficulty escaped with his life.

Dr. Pearce, the nephew, was surrounded and beaten, but escaped with his life.

It is in evidence also, and not disputed, that on the preceding evening, notice had been given in the neighbourhood, by a negro who had followed the officer from Philadelphia, that an arrest of the fugitives was intended, and that the concourse and riot of the morning was evidently by preconcert and in consequence of such information.

Without at present noticing the further history of the transaction or expressing any opinion of the conduct of the white people in the neighbourhood, on the occasion, or of the miserable farce of the jury of inquest, got up as an afterpiece to this disgraceful tragedy, we may say that the evidence has clearly shown that the participants in this transaction are guilty of riot and murder at least—whether the crime amounts to treason or not will be presently considered.

Two questions present themselves for your inquiry:

1. Was the defendant, Castner Hanway, a participant in the offences proved to have been committed? Did he aid, abet or assist the negroes in this transaction, without regard to the grade or description of the offence committed?
2. And, secondly, if he did, was the offence treason against the United States, as alleged in this bill of indictment.

The first of these questions is one wholly of fact and for your decision alone. The last is a mixed question of law and fact. On the law, you have a right to look to the court for a correct definition of what constitutes treason, but whether the defendant has committed an offence which comes within that category, is, of course, a matter of fact for your decision.

When a murder is committed, all who are present, aiding, abetting and assailing, are equally guilty with him who gave the fatal stroke.

An abettor of a murder, in order to be held liable as a principal in the felony, must be present at the transaction; if he is absent, he may be an accessory. But in treason all are principals, and a man may be guilty of aiding and abetting though not present.

"If one man watch while another breaks into a house at night and robs it, both are guilty of burglary."

"If A comes and kills a man and B. runs with an intent to assist him, if there should be occasion, though in fact he doth nothing, yet he is a principal, being present as well as A."

"If divers persons come with one assent to do mischief, as to kill, rob or beat, and one doeth it, they are all principals in the felony."

"If many be present and one only gives the stroke, whereof the party dies, they are all principals."

"Thus if two fight a duel, and one of them is killed, the seconds who are present are both guilty of murder."

"If A and B be fighting, and C, a man of full age, comes, by chance, and is a looker-on only and assists neither, he is not guilty of murder or manslaughter, but it is a misprision for which he shall be fined, unless he uses means to apprehend the felon."

Lastly. "if divers persons come in one company, to do any unlawful thing, as to kill, rob, or beat a man, or to commit a riot, or to do any other trespass, and one of them in doing thereof kill a man, this shall be adjudged murder in them all that are present of that party abetting him and consenting to the act, or ready to aid him, although they did but look on."

I have given you these examples from the books, in order that you may form some idea as to the nature of what the law treats as criminal aiding, abetting and countenancing the perpetration of an offence.

In the present case, the defendant, Castner Hanway, was present, as proved by several witnesses, and not denied. But did he come to aid, abet, countenance, or encourage the rioters? If so, he was guilty of every act committed by any individual engaged in the riot—whether it amount to felony or treason.

There is no evidence of any previous connection of the prisoner with this party, before the time the offence was committed; that he had counselled, advised, or exhorted the negroes to come together with arms, and resist the officer of the law or murder his assistants.

There is no evidence, even, that the prisoner was a member of any of these associations or conventions, which occasionally or annually infest the neighbouring village of West Chester, for the purpose of railing at and reviling the Constitution and Laws of the land, and denouncing those who execute them as no better than a Scroggs and a Jeffries—who stimulate and exhort poor negroes to the perpetration of offences which they know must bring them to the penitentiary or the gallows.

The fact of his interference, whether active or passive, of his aiding, counselling, or abetting the perpetrators of this offence, has been argued from his language and conduct during its perpetration in his presence.

His acts, his declarations and his conduct are fair subjects for your careful examination, in order to judge of his intentions or his guilty complicity with those whose hands perpetrated the offence. If, as the counsel for the United States have argued, he countenanced or encouraged, aided or abetted the offender in the commission of the offence, he is equally guilty with them.

If, on the contrary, as is argued by his counsel, he came there without any knowledge of what was about to take place, and took no part by encouraging, countenancing or aiding the perpetrators of the offence—if he merely stood neutral through fear of bodily harm or because he was conscientiously scrupulous about assisting to arrest a fugitive from labour, and therefore merely refused to interfere while he did not aid or encourage the offenders, he may not have acted the part of a good citizen, he may be liable to punishment for such neutrality by fine and imprisonment, but he cannot be said to be liable as a principal in the riot, murder and treason committed by the others—and much more so, if, as has been argued, his only interference was to preserve the lives of the officer and his attendants.

A man may have such conscientious principles on the subject of non-resistance as to stand by with indifference and neutrality when his father or friend is attacked by a bear or a madman, and in case of his death may not be liable as an aider or abetter in the murder or manslaughter; we may wonder at his philosophic indifference, though we cannot admire the man.

So a man who is a mere spectator in a contest where a mob of rioters are resisting an officer of the law in the execution of his duty, may refuse assistance, countenance or aid to either side. In so doing, he is not acting the part of an honest, loyal citizen; he may be liable to be punished for a misdemeanour, for his refusal to interfere, but such conduct will not necessarily make him liable as a principal in the riot or murder committed.

But such conduct is a fair subject for the consideration of a jury in connection with *other* circumstances to show preconcert and guilty complicity with the rioters, murderers or traitors.

What inference the jury may draw from the evidence in this case of the conduct of this prisoner, is for them to say, after carefully weighing the arguments which have been so ably argued by the learned counsel.

With these remarks we submit this point of the case to the jury after reading to them, *if they desire it*, the testimony of the witnesses bearing more directly on this question.

If you should find that the defendant, Castner Hanway, did *not* aid, assist, or abet in the perpetration of the offence, you will return a verdict of not guilty without regard to the grade of the offence, whether riot, murder, or treason.

But if you should find that he has so aided and abetted so as thereby to become a principal in the transaction according to the rules of law which we have first stated, you will next have to enquire whether the offence as proved amounts to the crime of "Treason against the United States."

The bill charges the defendant with "wickedly and traitorously intending to *levy war* against the United States;" and the jury must find the act or acts to have been committed with such intention. For, although the prisoner may have been guilty of riot, robbery, murder or any other felony, he cannot be found guilty under this bill of indictment, unless you find that he *intended to levy war against the United States*, or that the acts were committed by himself and others in pursuance of some conspiracy or preconcert for that purpose; and this is a question of fact for the decision of the jury.

But in the decision of it, the jury should regard the construction of the Constitution as given them by the court as to what is the true meaning of the words "*levying war.*"

Treason against the United States is defined by the Constitution itself. Congress has no power to enlarge, restrain, construe or define the offence. Its construction is entrusted to the court alone.

By this instrument it is declared that "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

What constitutes "levying war against the Government," is a question which has been the subject of much discussion, whenever an indictment has been tried under this article of the Constitution.

The offence is described in very few words, and in their application to particular cases, much difference of opinion may be expected.

We derive our laws as well as our language from England. As we would apply to English dictionaries and classical writers, to ascertain the proper meaning of a particular word, so when we would inquire after the true definition of certain legal phraseology, we would naturally look to the text writers and judicial decisions which we know that the framers of our constitutions would regard as the standard authorities in questions of legal definition.

Otherwise the language of the Constitution on this subject might be subject to any construction which the passion or caprice of a court and jury might choose to give it in times of public excitement.

At one time the Constitution might be nullified by a narrow construction, and at another time the life and liberty of the citizen be sacrificed by a latitudinous one.

"The term 'levying war,' says Chief Justice Marshal, 'is not for the first time applied to treason by the Constitution of the United States. It is a technical term. It is used in a very old statute of that country whose language is not our language, and whose laws form the substratum of our laws. It is scarcely conceivable that the term was not employed by the framers of our Constitution, in the sense which has been affixed to it by those from whom we borrowed it. So far as the meaning of any terms, particularly terms of art, is completely ascertained, those by whom they are employed, must be considered as employing them in their ascertained meaning, unless the contrary is proved by the context.'"

Since the adoption of the Constitution, but few cases of indictment for treason have occurred, and most of those not many years afterwards. Many of the English cases *then* considered good law and quoted by the best text writers as authorities, have since been discredited if not overruled in that country. The better opinion there at present seems to be that the term "levying war" should be confined to insurrections and rebellions for the purpose of overturning the Government by force and arms. Many of the cases of constructive treason quoted by Foster, Hale, and other writers would perhaps now be treated merely as aggravated riots or felonies.

But for the purposes of the present case it is not necessary to pursue the subject further or to look beyond the cases decided in our own country. The subject is one of too serious importance to allow this court to indulge in speculations of our own, or wander from the safe path of precedent.

"In England, all insurrections to imprison the King, or to force him to change his measures, or to remove evil counsellors; to attack his troops in opposition to his authority; to carry off or destroy his stores provided for defence of the realm; if done conjointly with and in aid of rebels or enemies, and not only for lucre or some private and malicious motive; to hold a fort or castle against the King or his troops, if actual force be used in order to keep possession; to join with rebels freely and voluntarily: to rise for the purpose of throwing down, by force, all enclosures; alter the law or religion, &c., to effect innovations of a *public and general concern*, by an armed force or for any other purpose which usurps the Government in matters of a public and general nature. All these acts have been deemed 'a levying of war.' So also to have insurrections to redress by force national grievances; or to reform real or imaginary evils of *a public nature* and in which the insurgents *had no private or special interest*, or by intimidation to force the repeal of a law.'"

"But when the object of an insurrection is of a local or private nature, not having a direct tendency to destroy all property and all government by numbers and armed force, *it will not amount to treason*."—4 *Cranch*.

In the case of Bollman and Swartwout, in the Supreme Court of the United States, it is decided, "That it is more safe as well as consonant to the principles of our Constitution, that the crime of treason should not be extended by construction to doubtful cases."

"That to constitute the specific offence, war must be actually levied against the United States; to conspire to levy and actually to levy war are distinct offences." This case recognises also the doctrine laid down by Judge Chase in Fries' case, that "To complete the crime of levying war, there must be an actual assemblage of men for that purpose."

"If a body of people conspire and meditate an insurrection to resist or oppose the execution of any statute of the United States, by force, they are guilty only of a high misdemeanour; but if they proceed to carry such intention into execution by force, that they are guilty of the treason of levying war, and the quantum of the force employed neither lessens nor increases the crime, whether by one hundred or one thousand persons is wholly immaterial."

"A combination or conspiracy to levy war against the United States is not treason unless combined with an attempt to carry such combination or conspiracy into execution; some actual force or violence must be used in pursuance of such design to levy war; but it is altogether immaterial whether the force used is sufficient to effectuate the object; any force connected with the intention, will constitute the crime of 'levying war.'"

In Mitchell's case it was decided "that to resist or prevent by armed force, the execution of a particular statute of the United States, is a levying war against the United States, and consequently treason within the true meaning of the constitution."

And in Fries' case, "that an insurrection or rising of any body of people within the United States, to attain by force or violence any object of a great *public nature*, or of public, national and general concern, is a levying war against the United States."

"That any insurrection to resist or prevent by force or violence the execution of any statute of the United States, under any pretence of its being unequal, burthensome, oppressive or unconstitutional, is a levying of war against the United States within the Constitution"

And again—"If the intention be, to prevent by force of arms, the execution of any act of Congress *altogether*, any forcible opposition calculated to carry that intention into effect, is levying war against the United States."—U. S. v. Hoxie, 1 Paine, 265.

But the resistance of the execution of a law of the United States accompanied with any degree of force, if for a *private purpose* is not treason. To constitute that offence the object of the resistance must be of a public and general nature.

I do not think it necessary to quote further from the decisions of my predecessors. It will suffice to say that the late charge of my brother Kane to the Grand Jury, in the Circuit Court, contains what I believe to be a correct statement of the decisions on this subject, and that I fully concur in the doctrines stated, and the sentiments expressed therein.

In the application of these principles of construction to the case before us, the jury will observe that the "levying of war" against the United States is not necessarily to be judged of alone by the number or array of troops. But there must be a conspiracy to resist by force, and an actual resistance by force of arms or intimidation by numbers. This conspiracy and the insurrection connected with it must be, to effect something *of a public nature*, to overthrow the government, or to nullify some law of the United States and totally to hinder its execution, or comply its repeal.

A band of smugglers may be said to set the laws at defiance and to have conspired together for that purpose, and to resist by armed force, the execution of the revenue laws; they may have battles with the officers of the revenue, in which numbers may be slain on both sides, and yet they will not be guilty of treason, because it is not an insurrection of a public nature, but merely for private lucre or advantage.

A whole neighbourhood of debtors may conspire together to resist the Sheriff and his officers on executing process on their property—they may perpetrate their resistance by force of arms; may kill the officer and his assistants—and yet they will be liable only as felons, and not as traitors. Their insurrection is of a private, not of a public nature, their object is to hinder or remedy a private not a public grievance.

A number of fugitive slaves may infest a neighbourhood and may be encouraged by the neighbours in combining to resist the capture of any of their number; they may resist with force and arms their master or the public officer, who may come to arrest them; they may murder and rob them; they are guilty of felony and liable to punishment, but not as traitors. Their insurrection is for a private object and connected with no public purpose.

It is true that constructively they may be said to resist the execution of the fugitive slave laws, but in no other sense than the smugglers resist the revenue laws, and the anti-renters the execution laws. Their insurrection, their violence, however great their numbers may be, so long as it is merely to attain some personal or private end of their own, cannot be called *levying war*. Alexander the Great may be classed with robbers by moralists, but still the political distinction will remain between war and robbery. One is public and national, the other private and personal.

Without desiring to invade the prerogatives of the jury in judging the facts of this case, the court feel bound to say, that they do not think the transaction with which the prisoner is charged with being connected rises to the dignity of treason or a levying of war, Not because the numbers or force was insufficient. But, 1st, for want of any proof of previous conspiracy to make a *general and public resistance to any law* of the United States.

2ndly. There is no evidence that any person concerned in the transaction knew there were such Acts of Congress as those which they are charged with conspiring to resist by force and arms, or had any other intention than to protect one another from what they termed kidnappers, (by which slang term they probably included not only actual kidnappers but all masters and owners seeking to recapture their slaves, and the officers and agents assisting therein).

The testimony of the prosecution shows that notice had been given that certain fugitives were pursued, the riot, insurrection, tumult, or whatever you may call it, was but a sudden "*conclamatio*" or running together, to prevent the capture of certain of their friends or companions or to rescue them if arrested. Previous to this transaction so far as we are informed, no attempt had been made to arrest fugitives in the neighbourhood under the new act of Congress by a public officer. Heretofore arrests had been made not by the owner in person or his agent properly authorized, or by an officer of the law.

Individuals without any authority, but incited by cupidity, and the hope of obtaining the reward offered for the return of a fugitive, had heretofore undertaken to seize them by force and violence, to invade the sanctity of private dwellings at night and insult the feelings and prejudices of the people. It is not to be wondered that a people subject to such inroads, should consider odious the perpetrators of such deeds and denominate them kidnappers—and that the subjects of this treatment should have been encouraged in resisting such aggressions, where the rightful claimant could not be distinguished from the odious kidnapper, or the fact be ascertained whether or not the person seized deported or stolen in this manner, was a free man or a slave.

But the existence of such feelings is no evidence of a determination or conspiracy by the people to publicly resist any legislation of Congress, or levy war against the United States. That in consequence of such excitement, such an outrage should have been committed, is deeply to be deplored. That the persons engaged in it are guilty of aggravated riot and murder, cannot be denied. The assault and murder were wantonly committed, after all attempt to execute the process had been abandoned.

This insult upon the laws of the country deserves, and I presume will receive, condign punishment on the persons who shall be proved to be the guilty participators in it. But riot and murder are offences against the State government It would be a dangerous precedent for the court and jury in this case to extend the crime of treason by construction to doubtful cases.

The time may come when, with an elective judiciary, dependent on the will of the majority (which is here the sovereign power) may use such a precedent to justify the foulest oppression and injustice, and the tragedies enacted by a Scroggs and a Jeffries be repeated, and again sully the page of history.

But I would not be doing justice to all parties concerned in this prosecution, if I did not express my cordial approbation of the course pursued by the authorities of the United States and State of Maryland on this occasion.

This is the second instance in which a citizen of Maryland, in the legitimate pursuits of rights, guaranteed to him by the Constitution, has been foully murdered on the soil of Pennsylvania. As might be expected, it created a great excitement, and a just feeling of indignation in the breasts of the people of that State.

The act of 1850, passed to secure them in the enjoyment of their acknowledged rights, had been received with a shout of disapprobation, in certain parts of the country. Meetings had been held in many places in the north, denouncing the law and advising a traitorous resistance to its execution; conventions of infuriated fanatics had incited to acts of rebellion; and even the pulpit had been defiled with furious denunciations of the law, and exhortations to a rebellious resistance to it.

The government were perfectly justified in supposing that this transaction was but the first overt act of a treasonable conspiracy extending over many of the Northern States, to resist by force of arms the execution of this article of the constitution and the laws framed in pursuance of it. In making these arrests, and having this investigation, the officers of government have done no more than their strict duty.

The activity, zeal and ability, which have been exhibited by the learned attorney of the United States, in endeavouring to bring to condign punishment the perpetrators of this gross offence, are deserving of all praise. It has given great satisfaction to the Court also, that the learned Attorney General of Maryland, and the very able counsel associated with him, have taken part in this prosecution.

And I am persuaded that notwithstanding the unfortunate and disgraceful occurrence which has taken place, and the just feelings of indignation felt by the people of Maryland, caused by it, that this meeting of that State by its representative here with the people of Pennsylvania, will tend to efface all angry feelings, and foster those of respect and friendship between the people of these adjoining States.

And though the duty of punishing the perpetrators of this outrage, may have to be transferred, in whole or in part, to the courts of Lancaster County, we have an assurance from the activity and zeal, already exhibited by the law officers of that county, that it will be performed with all fidelity.

With these remarks the case is committed to you.

The Jury retired for about 10 minutes, when they came into Court and rendered a verdict of NOT GUILTY.

Mr J. W. Ashmead said that the prisoner was also charged on four other bills for misdemeanour; but as he had passed through such an ordeal, he purposed entering a *nolle prosequi* on those bills. If the State does not hold him for any thing else, I move for his discharge.

Judge Grier said, that, on motion, the prisoner was discharged.